

# Agenda



## DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Wednesday, 18 January 2017 at 6:30 pm
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder, Heather Speak.</p>

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1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on 11 January 2017 as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 25.	1
	<b>DECISION ITEMS</b>	
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# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	18 JANUARY 2017	4
<b>BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN – EXAMINER’S REPORT AND PROGRESSION TO REFERENDUM</b>			

## PUBLIC ITEM

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

### SUMMARY

Following the Independent Examination of the Bryning with Warton Neighbourhood Development Plan (the Plan), the Independent Examiner, Mr Nigel McGurk BSc(Hons), NCD, MBA, MRTPI, has now issued his examination report. The Examiners report concludes that subject to recommended modifications, the Plan meets with the “Basic Conditions” set out in legislation and should proceed to a Neighbourhood Planning Referendum.

Following on from the receipt of the Examiner’s Report, the Local Planning Authority must consider each recommendation and decide what action to take in response to each recommendation. If satisfied that, subject to the modifications made, the draft Neighbourhood Development Plan meets the legal requirements and Basic Conditions, a Referendum must be held on ‘making’ the Plan by the Local Authority. Following a successful Independent examination and public Referendum, the Bryning with Warton Neighbourhood Development Plan will form part of the statutory Development Plan, alongside the current saved Local Plan policies.

### RECOMMENDATIONS

1. That the Development Management Committee accept the Independent Examiners modifications, as set out in Appendix A and Appendix B of this report; and
2. Development Management Committee recommend to Full Council to agree to approve the attached draft Decision Statement (Appendix C), and proceed the Bryning with Warton Neighbourhood Development Plan to Referendum.

### SUMMARY OF PREVIOUS DECISIONS

#### **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 ( <b>Value for Money</b> )	√
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	√
Working with all partners ( <b>Vibrant Economy</b> )	√
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	√
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	√

## REPORT

### INTRODUCTION

1. Under the Town and Country Planning Act 1990 (as amended), Fylde Borough Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 Chapter 3) sets out the local planning authority's responsibilities under Neighbourhood Planning.

### BACKGROUND

2. On the 17 July 2013, Bryning with Warton Parish Council requested that, in accordance with section 5(1) of the Neighbourhood Planning (General) Regulations 2012 (the Regulations), their parish boundary be designated as a Neighbourhood Area, for which a Neighbourhood Development Plan be prepared.
3. Fylde Council confirmed that for the purposes of section 5 (1) of the Regulations the Parish Council is the "relevant body" for their area and in accordance with section 6 of the Regulations, Fylde Borough Council placed on their website this application, including a parish boundary map, details of where representations could be sent, and by what date, for a six week period from 22 August 2013 to 04 October 2013. The application was also advertised in the local newspaper and also on the Parish Council's website. The Neighbourhood Area application was then approved on the 25 October 2013.
4. Following on from this approval, a Bryning with Warton Neighbourhood Plan Steering Group (BwWNPSG) was established, which comprised of volunteers, parish councillors and advised by planning consultants, all working on behalf of the Parish Council in preparing a Neighbourhood Development Plan (the Plan).
5. The Parish Council submitted their Submission version plan to Fylde Council, in accordance with part 5 of Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, and the Plan was publicised and comments were invited over a six week consultation period, which ran from 9 October 2014 to 28 November 2014. However, after careful deliberation the Plan was delayed from going to Independent Examination due to the pending outcome of the Blackfield End Farm planning appeal, the result of which had the potential to have a significant impact on the Plan.

6. After receiving the appeal decision (which was significantly delayed) BwWNPSG were advised by Fylde Council to revise the Plan, taking into account the outcome of that appeal decision and the number of dwellings now approved at Warton. However, the BwWNPSG chose to keep the Plan as originally drafted. Therefore, Fylde Council, with the approval of Bryning-with-Warton Parish Council appointed an Independent Examiner, Mr Nigel McGurk BSc (Hons) MCD MBA MRTPI to review the NDP and to consider whether it met the 'Basic Conditions' required by legislation and whether it should proceed to referendum.
7. The Examiner subsequently submitted his final report (Appendix A) in April 2016 and concluded that subject to the suggested modifications the Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting with the Basic Conditions, and should proceed to Referendum. However, the Examiner's modifications were significant including the removal of the entire housing section of the Plan including policies and allocations as he *'could not conclude with any degree of certainty that the neighbourhood plan will have no likely significant environmental effects.'* He went on to state that he could not conclude that the Neighbourhood Plan did not breach EU obligations especially as the Plan allocated land for housing. Further modifications were textual, including the deletion of a further three policies.
8. After careful consideration and the thorough exploration of alternative options, including developing design codes and policies, retaining the housing section after first carrying out a Habitat Regulations Assessment (HRA) which would be required in order to identify any impact the proposed housing allocations had on the nearby protected European sites leading to further consultation and re-examination of the Plan, together with a recent public consultation with local residents (who voted in favour of accepting the Examiner's recommendations and modifications and proceeding to Referendum), the BwWNPSG have decided to go ahead and accept the Examiner's recommendations and proceed the Plan to Referendum.
9. Paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990, as inserted by the Localism Act 2011, requires a local planning authority to consider each of the recommendations made in the examiner's report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to the modifications made, the draft Neighbourhood Development Plan meets the legal requirements and Basic Conditions as set out in legislation, a Referendum must be held on the making of the Plan by the local planning authority. If the local planning authority is not satisfied that the Plan meets the Basic Conditions and legal requirements then it must refuse the proposal. A Referendum must take place and a majority of residents who turn out to vote, must vote in favour of the Neighbourhood Plan (50% plus one vote) before it can be 'made'.
10. The Basic Conditions are as follows:
  - Having regard to national policies and advice contained in the guidance issued by the Secretary of State is it appropriate to make the Plan?
  - Will the making of the Plan contribute to the achievement of sustainable development?
  - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
  - Does the making of the Plan breach or is otherwise incompatible with EU obligations or Human Rights legislation?
  - Will the making of the Plan have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

## DECISION

11. The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action it will take in response to the recommendations that the examiner made in the report 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, this is outlined in both Appendix B and Appendix C of this report.

12. The modifications are in line with the National Planning Policy Framework and the emerging Fylde Local Plan to 2032, which has now been submitted to the Secretary of State.

IMPLICATIONS	
Finance	<p>The Council received a grant of £5,000 for the designation of the Bryning with Warton Neighbourhood Area.</p> <p>A second grant of £5,000 was received when the local planning authority publicised the Neighbourhood Development Plan prior to Examination. A final grant of £20,000 will be applied for in the next quarter, following confirmation that the Plan will proceed to Referendum.</p> <p>It should be noted that pre-examination and examination stages have incurred costs that may be funded from the neighbourhood planning grants but in all probability will not cover the full cost. There is also a potential for legal challenges which would incur additional costs.</p> <p>Neighbourhood planning is currently included in the Council's approved revenue budget, however this may not cover the full cost of this and other emerging neighbourhood plans. As is usually the case additional costs will be met 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.</p>
Legal	<p>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.</p>
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	<p>The Neighbourhood Development Plan should promote the principles of sustainable development. The submitted Neighbourhood Development Plan is also supported by a Sustainability Report.</p>
Health & Safety and Risk Management	<p>There is a possible risk that the level of request to undertake Neighbourhood Planning and the level of input required will exceed the capacity of the Council to provide support and have a detrimental impact on progressing the Local Plan.</p>

LEAD AUTHOR	TEL	DATE	DOC ID
Sara Jones	01253 658420	28/09/2016	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Bryning with Warton NDP Examiner's Report	April 2016	<a href="http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/">http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/</a>
Bryning with Warton Submission Neighbourhood Plan 2030	September 2014	<a href="http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/">http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/</a>
Amended draft Plan – with suggested modifications version	January 2017	<a href="http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/">http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/</a>
Bryning with Warton Submission Neighbourhood Plan – Consultation Statement	September 2014	<a href="http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/">http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/</a>
Bryning with Warton Submission Neighbourhood Plan – 'Basic Conditions' Statement	September 2014	<a href="http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/">http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/</a>

#### Attached documents

1. Appendix A: Examiners Report
2. Appendix B: Schedule of Changes
3. Appendix C: draft Decision Statement
4. Appendix D: draft Bryning with Warton Neighbourhood Plan (with modifications)

# **BRYNING WITH WARTON NEIGHBOURHOOD PLAN**

Bryning with Warton Neighbourhood Plan Examination,  
A Report to Fylde Borough Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

Nigel McGurk

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April 2016



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- 7. The Neighbourhood Plan: Other Matters**
- 8. Summary**
- 9. Referendum**

## **1. Introduction**

### The Neighbourhood Plan

This Report provides the findings of the examination into the Bryning with Warton Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*

(Paragraph 183, National Planning Policy Framework)

The Neighbourhood Plan was produced by a Steering Group working on behalf of Bryning with Warton Parish Council. Bryning with Warton Parish Council is the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Fylde Borough Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Bryning with Warton Neighbourhood Area.

### Role of the Independent Examiner

I was appointed by Fylde Borough Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Bryning with Warton Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the content of this Report, I am satisfied that all of the above points have been met.

### Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan is unclear in this regard.

There are various references to the Neighbourhood Plan providing policies up to the year 2030, but there is no clarity with regards the Neighbourhood Plan's start date. To add to the confusion, according to the Basic Conditions Statement:

*"The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from the Plan being made up to 2030 (the same period as the emerging Fylde Local Plan)"* (Basic Conditions Statement, page 4).

However, the emerging Fylde Local Plan runs from 2011 to 2032.

As above, it is a requirement for a neighbourhood plan to specify its plan period. Given that there is a stated intention to cover the same period as the emerging Fylde Local Plan, I recommend:

- **Cover page, replace "2030" with "2011-2032"**
- **Page 16, replace "... - and that is up to 2030." with "... - consequently, the plan period for this Neighbourhood Plan is 2011 to 2032."**
- **Page 16, replace "...up to 2030." with "...between 2011 and 2032."**
- **Page 32, delete "2014 – 2030"**
- **Page 33, third line, delete "...to 2030"**
- **Page 47, 5<sup>th</sup> line, add "...Local Plan to 2032."**
- **Page 48, delete "(eg by using an end date of 2030)"**
- **Page 52, replace "2030" with "2032"**

Subject to the above recommendations, the Neighbourhood Plan satisfies the relevant requirement in this regard.

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of all of the relevant information, I confirmed to Fylde Borough Council that I was satisfied that the Bryning with Warton Neighbourhood Plan could be examined without the need for a Public Hearing.

Public hearings are held at the discretion of the Examiner. The Examiner's role is simply to test the submitted neighbourhood plan against the Basic Conditions. I have done this and set out my recommendations in this Report. I am satisfied that there have been plentiful opportunities for people to have their say; and I am also satisfied that I have sufficient information to ensure adequate examination of the Neighbourhood Plan.

I refer to there being a substantial time gap between the Submission period and the Examination of the Neighbourhood Plan later in this Report. Given this, it is relevant to point out that public hearings for neighbourhood plans are entirely different to those for say, Local Plan examinations, or to public inquiries. When held, they simply support the process of the examination of the neighbourhood plan against the basic conditions. As above, I have found this to be unnecessary in the case of the Bryning with Warton Neighbourhood Plan.

I note that various detailed information relating to a planning application in the Neighbourhood Area has been provided. I have considered all relevant information as part of this examination and point out, again, that this Report comprises an examination of the Bryning with Warton Neighbourhood Plan against the basic conditions.

## **2. Basic Conditions and Development Plan Status**

### **Basic Conditions**

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>1</sup> following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- not breach and is otherwise compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against the basic conditions.

The wording of the basic conditions is the result of careful consideration and paraphrasing can result in mistakes and/or incorrect interpretation of them. Given this, I recommend:

- **Page 11, line 5, delete sentence and replace with “*These policies have regard to national policies and advice and are in general conformity with the strategic policies of the Fylde Local Plan (2005).*”**
- **Page 15, line 4, change to “...must have regard to national policy and advice and be in general...policies of the development plan, in this case, the Fylde Local Plan (2005).”**
- **Page 15, line 7, change to “...must be compatible with European Union obligations and the European Convention on Human Rights.” (For clarity, delete rest of paragraph).**
- **Page 15, line 10, change to “...must also contribute to the achievement of sustainable development and a Sustainability...document.”**

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<sup>1</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

- Page 16, first paragraph, change to “...with the strategic *policies of the adopted Local Plan and it is also good practice to take account of emerging planning policy and supporting information, where appropriate. In this regard, it is confirmed that the Neighbourhood Plan has taken into account information relating to the emerging Fylde Local Plan (2011-2032).*” (for clarity, delete rest of paragraph)

A Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the Parish Council’s opinion, the Neighbourhood Plan meets the basic conditions.

### European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

### European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development. Planning Practice Guidance<sup>2</sup> considers that a sustainability appraisal may be a useful way of doing this.

A Sustainability Appraisal has been produced and submitted alongside the Neighbourhood Plan. It assesses the economic, social and environmental impacts of the Neighbourhood Plan and identifies potential negative effects and appropriate mitigation measures. The Sustainability Appraisal states that *“it incorporates the legal requirements of the Strategic Environmental Directive.”*

Taking the above into account, I am satisfied that the Sustainability Appraisal provides some evidence to demonstrate how the Neighbourhood Plan will contribute to the achievement of sustainable development.

However, simply undertaking a Sustainability Appraisal does not, in itself, necessarily mean that a neighbourhood plan is compatible with European Obligations. In this regard, I am mindful that Fylde Borough Council and Natural England, amongst others, have expressed concerns relating to doubts over whether the Neighbourhood Plan is likely to have significant environmental effects.

In relation to the above, Planning Practice Guidance states that:

*“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”* (Paragraph 027).

National advice recognises that a neighbourhood plan may only be likely to have significant environmental effects *“in some limited circumstances.”* Consequently, it is reasonable to infer that, in many circumstances, a neighbourhood plan will not lead to any significant environmental effects.

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<sup>2</sup> Strategic environmental assessment and sustainability appraisal. Paragraph 026, Planning Practice Guidance 2014.



However, the Neighbourhood Area seeks to allocate land for development within a highly sensitive environment, which includes the Ribble and Alt Estuaries Special Protection Area and Ramsar. As these comprise two European sites, it is important to consider any likely significant effects on them that might arise from the Neighbourhood Plan.

The very presence of European sites within the Neighbourhood Area means that there is a real possibility that the Neighbourhood Plan, which allocates land for development, could have likely significant effects upon them.

If the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites, then a Habitats Regulations Assessment (HRA) is required.

In establishing that a draft neighbourhood plan “*should be assessed*” to decide whether it might have significant environmental effects, Planning Practice Guidance refers to the need to consult environmental assessment consultation bodies. In responding to consultation on the draft plan (referred to later in this Report, in the Consultation section), Natural England pointed out that screening should be undertaken where there is any doubt about the effects on European sites. Further, in its Submission stage representation to the Neighbourhood Plan, Natural England stated:

*“...you need to be confident that any proposals in accordance with the Neighbourhood Plan will not result in a likely significant effect on a European site...a Neighbourhood Plan cannot progress if it would result in a likely significant effect on any European site...A screening exercise should be undertaken if there is any doubt about the effects of the Plan on European sites...”* (Natural England, 27/11/14).

In respect of European sites, the Sustainability Appraisal and the Neighbourhood Plan itself (on page 20), states that a Habitat Regulations Assessment “*has already been undertaken for Fylde’s Local Plan Preferred Option*” and that the Neighbourhood Plan’s policies “*have had regard to the emerging planning policy in the Fylde Local Plan Preferred Option and do not have any identifiable impact on European sites.*”

Whilst I note this, it is relevant to point out that the basic conditions do not refer to any need to “*have regard*” to emerging planning policy. Furthermore, and crucially, the emerging Fylde Local Plan is simply that. It is not an adopted document and it has not yet reached a stage whereby its policies and supporting evidence have undergone rigorous examination. I also note that the HRA screening for the emerging Local Plan led to requirements, from Natural England, for further actions.

Taking this into account, it appears to me, that it is inappropriate in such an environmentally sensitive area as Bryning with Warton, for the Neighbourhood Plan to place reliance on supporting evidence for emerging local policy in respect of demonstrating compatibility with European obligations.

In this regard, I note that the ultimate responsibility for determining whether or not a draft neighbourhood plan meets European obligations lies with the local authority, which must decide whether a neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on whether a neighbourhood plan should progress to Referendum; and when it takes the decision on whether or not to make a neighbourhood plan.

*“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance<sup>3</sup>)*

Fylde Borough Council has expressed with regards the Neighbourhood Plan being compatible with EU regulations. On the 13<sup>th</sup> August 2014, during the draft plan consultation period, Fylde Borough Council wrote to Bryning with Warton Parish Council, stating:

*“To assess whether the NP may have a significant environmental effect, its scope should be assessed, and the LPA can provide a screening opinion...on whether a SEA is required. As part of the LPA determining whether the proposals are likely to have a significant environmental effect, the LPA are expected to consult the three statutory consultation bodies...If the LPA determines the plan is unlikely to have a significant environmental effect, and therefore does not require an environmental assessment, the LPA will provide a screening assessment with reasons for its determination. A copy of this statement provided to the NPSG could then be made available to the Independent Examiner and form part of the evidence base for basic conditions statement required at submission stage...”*

There is no such statement before me and no substantive evidence to demonstrate that the local authority is satisfied that the Neighbourhood Plan is compatible with EU obligations. Mindful of some of the recommendations I go on to make in this Examiner’s Report, it is appropriate to note that Fylde Borough Council acted positively and proactively in seeking to provide the qualifying body with clear and unambiguous advice in the above regard.

Taking all of the above into account, I find that there is considerable doubt over whether or not the Neighbourhood Plan will have likely significant environmental effects on European sites. I cannot conclude with any degree of certainty that the Neighbourhood Plan will have no likely significant environmental effects. Consequently, I cannot conclude that the Neighbourhood Plan does not breach and is otherwise compatible with EU obligations. There is conflict with the basic conditions.

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<sup>3</sup> (Paragraph Reference: 11-031-20150209)

Whilst there is some evidence to demonstrate that efforts have been made in respect of demonstrating compatibility with EU obligations - for example, through the information contained within the Sustainability Appraisal - there still remains a significant element of doubt with regards whether or not the Neighbourhood Plan will have likely significant environmental effects.

In this regard, I am particularly mindful that the Neighbourhood Plan seeks to allocate land for development. Taking the above into account, it does so without an appropriate degree of certainty, as a consequence of failing to meet the basic conditions.

Policy BWH1 presents a requirement for each housing allocation to demonstrate that there will be *“no adverse impact on a designated European site.”* If development would result in an adverse impact on a designated European site, then it could not go ahead. Given the absence of certainty in this regard, there is a possibility that the Neighbourhood Plan is seeking to allocate land despite there being a risk of it being incapable of development. This is inappropriate.

Taking all of the above into account, I can only conclude that there is no certainty that that part of the Neighbourhood Plan that allocates land would be compatible with European Union obligations.

I recommend the following:

- **Delete policies BWH1 and BWH2, which allocate land and relate directly to proposed land allocations, respectively**
- **Delete “Housing” bullet point on page 53**
- **Delete pages 54 to 66, inclusive of all Figures and text**

I recognise that these recommendations will fundamentally alter the content of the Bryning with Warton Neighbourhood Plan. However, they should come as little surprise, not least given the clear recommendations by statutory bodies.

I also note that there has been a considerable time period between the Submission of the Neighbourhood Plan and its examination. During this time, Fylde Borough Council undertook a draft *“Initial Review of Sustainability Appraisal”* (December 2014) and a subsequent *“Initial Review of Sustainability Appraisal”* (February 2015).

Both of these documents highlighted the uncertainty with regards significant environmental effects and included the following recommendation to Bryning with Warton Parish Council:

*“It is recommended that the Parish Council obtains an SEA Screening Opinion from Fylde Borough Council (in consultation with the statutory environmental bodies)...”*

Whilst I acknowledge the appropriate and ongoing proactive approach of the local planning authority, no such SEA Screening Opinion was obtained.

However, my recommendations above, which would lead to the deletion of the housing land allocations in the Neighbourhood Plan, do not mean that, suddenly, the whole of the Neighbourhood Area can be developed with housing. They simply mean that housing land allocations do not form part of the Neighbourhood Plan.

I refer above to the emerging Fylde Local Plan. Once adopted, this document will provide the housing land allocations for the Borough, including the Neighbourhood Area, up to 2032.

### **3. Background Documents and Bryning with Warton Neighbourhood Area**

#### **Background Documents**

In undertaking this examination, I have considered various information, in addition to the Bryning with Warton Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- Fylde Local Plan (As Altered) (Oct 2005) (Fylde Borough Local Plan (2005))
- Documents relating to the emerging Fylde Local Plan (2011-2032)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Appraisal
- Sustainability Appraisal Scoping Report and Baseline
- Evidence Base Report

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Bryning with Warton Neighbourhood Area.

Bryning with Warton Neighbourhood Area

A plan showing the boundary of the Bryning with Warton Neighbourhood Area is provided on page 14 of the Neighbourhood Plan.

Further to an application made by Bryning with Warton Parish Council, Fylde Borough Council approved the designation of Bryning with Warton as a Neighbourhood Area on 4<sup>th</sup> October 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## **4. Public Consultation**

### **Introduction**

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

### **Bryning with Warton Neighbourhood Plan Consultation**

Bryning with Warton Parish Council submitted a Consultation Statement to Fylde Borough Council in line with legislative requirements. As required by the neighbourhood planning *regulations*<sup>4</sup>, this sets out who was consulted and how, together with the outcome of the consultation. I note that the introductory section to the Neighbourhood Plan also refers to the consultation process.

In November 2013, Bryning with Warton Parish Council established a Steering Group, guided by a constitution, to lead on plan-making. The Steering Group comprised Parish Councillors and residents, including landowners and business owners.

All Steering Group meetings were advertised and open to the public. They were held frequently, between one and three times per month, between November 2013 and September 2014.

Further to an advertising campaign, a Launch Event was held in April 2014. This comprised a drop-in at the Village Hall. Parish Councillors and Fylde Borough Council officers were on hand for discussion and a graffiti wall, question and answer sheets, a "wish tree" for children, and general information relating to the neighbourhood planning process was made available. Around 400 people attended the event and comments made were recorded and taken into account.

Three weeks after the Launch Event, leaflets were distributed to update the local community on the key issues that had emerged, as well as to remind people that the Steering Group meetings were open to the public.

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<sup>4</sup>Neighbourhood Planning (General) Regulations 2012.

Further to production of the draft plan, a “Special Parish Meeting” was held in July 2014, at which the Steering Group gave a presentation, followed by a question and answer session. Around 300 people attended and comments were taken into account.

The six week consultation stage, during July and August 2014, was supported by a drop-in consultation event, held in the Village Hall and attended by around 100 people. Steering Group members were available to answer questions and consultation response forms were made available to complete and hand in on the day.

Letters and emails were sent to local businesses and community organisations, encouraging responses to the consultation stage. Hard copies of the draft plan and supporting documents were placed in a variety of locations and were also available directly from the Parish Council. Around 180 representations and comments were received from more than 100 organisations and individuals.

It is clear from the evidence provided that the whole plan-making process was widely advertised and that people and organisations were provided with plenty of opportunities to have their say and that views were proactively sought. As well as frequent, open Steering Group meetings, views were sought via social media, email and door-to-door leaflet drops. To publicise the process, innovative methods, including car window stickers, were used, along with posters, advertising boards, large banners and numerous press articles in the Lytham St Annes Express and the Blackpool Gazette.

The Consultation Statement demonstrates that consultation was well-publicised and the reporting process was transparent. There is a significant volume of evidence to show that the Neighbourhood Plan reflects the views of local people.

Taking everything into account, I am satisfied that the consultation process was comprehensive and robust.



## **5. The Neighbourhood Plan – Introductory Section**

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in *italics*.**

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and set out recommendations below that are aimed at making it a clear and user-friendly document.

As a general comment, the use of a landscape rather than portrait orientation renders the Neighbourhood Plan somewhat unwieldy. When combined with the large font, I find that it is a relatively difficult document to navigate. However, this is simply a personal view based and I do not make any recommendations in this regard.

I do, however, make a recommendation with regards the cover page and subsequent references to the plan period earlier in this Report. Also, there is no longer any requirement for the yellow box on the cover page and I recommend:

- **Cover page, delete the yellow box and the text within it**

The first section of the Neighbourhood Plan, pages 2-4, contains information that is out of date. I recommend:

- **Delete pages 2 - 4**

Taking into account earlier advice in this Report, some changes to the Contents pages are required. The third change recommended below recognises that the Neighbourhood Plan has passed the consultation stage. I recommend:

- **Bullet 1.6, delete “...and Habitat Regulations Assessment.”**
- **Delete “4.2 Housing [54]”**
- **Delete “SECTION 7: HOW TO COMMENT ON THIS DOCUMENT [105]”**

To bring the Preface and subsequent section up to date, I recommend:

- **Page 8, line 1, replace “The Submission...” with “*The...*”**
- **Page 10, delete “Section 7...document”**

I make a recommendation regarding a change to Page 11 of the Neighbourhood Plan earlier in this Report. Taking into account the recommended deletion of the land allocation-related Policies, I also recommend:

- **Page 12, change first paragraph to “...with the opportunity to *have more control over development, for the benefit of the local community.*”**
- **Page 12, second paragraph, delete and replace with “*The Neighbourhood Plan, when made, will form part of the development plan. The Neighbourhood Plan aims to preserve those things that make Bryning with Warton special.*”**
- **Page 12, delete third paragraph**

Neighbourhood Plans can be produced by any Qualifying Body and are not just limited to Parish Councils. Taking this into account, I recommend:

- **Page 15, change first paragraph to “...*Act 2012 as part of the...communities. In using this power, Qualifying Bodies – such as Bryning with Warton Parish Council – need to follow some fundamental principles.*”**

I make a number of recommendations relating to the basic conditions referred to on pages 15 and 16, earlier in this Report. The final paragraph on page 16 does not quite reflect the process and I recommend:

- **Change last paragraph on page 16 to “...*Borough Council, any relevant Policies within the Neighbourhood Plan must be taken into account insofar as any planning application for development in the Neighbourhood Area.*”**

Taking earlier recommendations into account, I recommend:

- **Page 17, delete first bullet point**

Also, Page 17 provides a reference to Lancashire County Council. I find that this is potentially confusing, as it introduces a reference to education, which is not a land use planning matter controlled by the Neighbourhood Plan, but it does not refer to any other matters not controlled by the document. Further, it is neither the case, and nor is it for the Neighbourhood Plan to state, that Lancashire County Council “*will address any education needs.*” I recommend:

- **Delete final sentence on page 17**

The diagram on Page 18 is helpful. To prevent it appearing out-of-date, I recommend:

- **Page 18, remove “We are here” from diagram and replace red background colour with blue**

I recommend a change to the title on page 19 earlier. Taking earlier comments into account, I also recommend:

- **Pages 19 to 20, end section 1.6 after the first sentence and delete all remaining text (from “There is a network...not required for this Plan.”)**

Pages 21 to 31, inclusive, provide interesting and relevant background information distinctive to the Neighbourhood Area. No changes are recommended.

Notwithstanding the recommendations above, I see no harm in the Neighbourhood Plan setting out all of the communities concerns, as it does, in sections 2.1 and 2.2, “Key Issues” and “Vision and Core Objectives.” It is a fact that the community has expressed concerns with regards housing development within the Neighbourhood Area and it is therefore relevant to include reference to these concerns in the Neighbourhood Plan, whether or not the document includes directly related Policies.

For consistency, I recommend:

- **Page 41, line four, delete “...15-20 years...”**

The Objectives use the term “*ensure*.” This raises concerns, as, for example, the Neighbourhood Plan cannot ensure that all new development will ensure green buffers or new focal points. Such things would not even be relevant to many forms of development. Objectives are not the same as Policies. As worded, these Objectives set unrealistic and unachievable aims. Taking this and other factors into account, I recommend:

- **Objective 1, change to “*To accommodate development in a manner that preserves rural character.*”**
- **Objective 2, change to “*For new development to integrate with existing and be of benefit to the community.*”**
- **Objective 3, change to “*For new development to respect...buildings.*”**
- **Objective 4, change to “*For new development to have appropriate green buffers to...Warton.*”**
- **Objective 5, change to “*For new development to provide...environment, where appropriate.*”**

I note that the final Objective contributes to the achievement of sustainable development and do not recommend any change to it.

Part of Section 3.2 is out-of-date. I make a recommendation with regards the first paragraph on page 47 earlier in this Report. I also recommend:

- Page 47, delete “The Local Plan has not been...early 2015.”
- Page 47, 9<sup>th</sup> line, change to “*The Revised Preferred Option...*”
- Page 47, change reference at end of page to “*(para 7.11 Revised Preferred Option)*”
- Delete second paragraph on page 48, which doesn’t make sense and reads partly as an advertisement.

Section 3.3 has much potential for confusion. By use of the phrase “*Bryton with Warton’s community must,*” it implies that there is some legislative requirement for a community to produce a Neighbourhood Plan, which is not the case. The section goes on to set out matters that have, to a large degree, already been set out earlier in the Neighbourhood Plan. Consequently, section 3.3 appears unnecessarily repetitive.

I recommend:

- Delete section 3.3 and remove reference to it from the Contents page

## **6. The Neighbourhood Plan – Neighbourhood Plan Policies**

I note that the Policies within this section are easily distinguishable from the supporting text, to the benefit of clarity and presentation.

I make a recommendation with regards the reference to the plan period on page 52 earlier in this Report. Given the recommendations above, I also recommend:

- **Page 52, delete “Development of policies that aim...settlement.”**

I make a recommendation with regards the fifth bullet point on page 53, and with regards pages 54 to 66 inclusive, earlier in this Report.

## **Employment**

### **Policy BWE1: Promoting Employment Growth**

Paragraph 18 of the Framework sets out a commitment to securing economic growth. Generally, Policy BWE1 has regard to this.

However, the Policy states that certain forms of development “*will be permitted.*” Such an approach runs the risk of pre-determining an application without taking relevant factors into account. Further, the approach set out would permit employment related development regardless of its impact on local character. This would conflict with the Framework, which seeks to protect local character, as well as with other Policies of the Neighbourhood Plan, including Policy BWNE2.

Taking the above into account, I note that even *supporting* rather than permitting such development would result in conflict with the basic conditions.

The second part of the Policy appears equally, or even more permissive. It effectively seeks to provide a blanket permission for any employment-creating development that supports rural diversification, or re-uses or converts existing buildings without substantially reconstructing or extending them. Such an approach could result in development in the rural area that fails to take into account factors such as local character or residential amenity.

Whilst the Policy goes on to set out requirements relating to homeworking, I note that homeworking does not necessarily require planning permission.

The final part of Policy BWE1 refers to a matter that is outside the control of the Neighbourhood Plan and which requires “*the co-operation*” of another body. Consequently, there is no substantive evidence that the Neighbourhood Plan can deliver or control this part of Policy BWE1.

In addition, I am mindful that Lancashire County Council has submitted a concise representation in respect of Policy BWE1 being contrary to the purpose of the Lancashire Enterprise Zone, designated in 2011. Lancashire County Council points out that the proposed allocation in Policy BWE1 would be contrary to the recognised strategic economic role of the site and the need to plan positively for it. There is no substantive evidence to the contrary.

In addition, Lancashire Enterprise Partnership, the “*other body*” referred to in Policy BWE1, has submitted an objection on the basis of the Policy being contrary to the purpose of the Enterprise Zone.

Whilst the supporting text refers to Warton having “*no available industrial or warehouse space,*” no detailed justification is provided for an approach that would be contrary to the purpose and role of an existing Enterprise Zone. I note that Policy BWE1 doesn’t seek to address its identified absence of generally available employment land by seeking to allocate such.

Taking all of the above into account, I find that Policy BWE1 fails to meet the basic conditions. I recommend:

- **Delete Policy BWE1**
- **Delete “Background/Justification” on pages 68 and 69 from the beginning to “...may not qualify for the Zone benefits.”**

### **Policy BWE2: Protecting Existing Employment**

Policy BWE2 seeks to protect existing large employment sites for B1, B2 and B8 employment uses throughout the plan period. This has regard to Policy EMP2 of the Fylde Borough Local Plan (2005), which seeks to retain identified employment land.

The Neighbourhood Plan provides evidence to demonstrate that large employment sites in the Neighbourhood Area, including those occupied by BAE Systems and the Land Registry, are of local and regional importance. Further, whilst national policy seeks to prevent the long-term protection of employment sites where there is no reasonable prospect of a site being used for that purpose (Para 22, the Framework), there is no evidence to demonstrate that any of the larger employment sites in the Neighbourhood Area have no reasonable prospect of being used for employment.

However, I am mindful that by seeking to apply blanket protection for B1, B2 and B8 uses only, the Neighbourhood Plan would necessarily prevent any other form of development from coming forward, whether or not it could be demonstrated to be sustainable.

It could well be that circumstances change over the plan period such that any one of the large sites may become unviable for employment use in their current form and I am mindful that the Framework seeks to support an economy fit for the 21<sup>st</sup> Century:

*“Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances” (Paragraph 21).*

As worded, Policy BWE2 may preclude any such flexibility or rapid response.

The second part of Policy BWE2 refers to “*smaller sites*” but does not define what these comprise. As worded, the Policy suggests that every employment site other than those identified as large sites will be protected for employment use.

Taking the above into account, the second part of Policy BWE2 does not provide decision makers with a clear indication of how to respond to a development proposal and may prevent sustainable development from coming forward. It does not provide for the flexibility required by the Framework.

Taking this into account, I recommend:

- **Policy BWE2, change first sentence to “...B2 and B8], *unless it can be demonstrated that the land is no longer viable for employment use and that there is no demand for such a use.*”**



- **Ensure that the Site boundaries shown on Figure 8 are correct and up-to-date. For example, Figure 8 shows land with planning permission for residential development as “protected employment” land**
- **Policy BWE2, delete second sentence**

Taking into account the recommendation under Policy BWE1, above, with regards the supporting text, I also recommend:

- **Supporting text, before “Through multi-agency...” add “*The Parish Council is supportive of local employment.*”**

## **Transport and Infrastructure**

### **Policy BWT1: Sustainable Transport**

Policy BWT1 places a requirement on another body to undertake something that does not comprise a land use planning policy matter that the Neighbourhood Plan can control. I recommend:

- **Delete Policy BWT1: Sustainable Transport**

However, further to consideration of the evidence and in acknowledgement of local concerns about transport matters and Bryning with Warton Parish Council's keenness to work with other bodies in this regard, I recommend:

- **Create a new *"Community Action: Sustainable Transport. Bryning with Warton Parish Council will work with other bodies to address matters relating to sustainable transport."***
- **Change supporting text to *"...Masterplan. The Parish Council will work together...appropriate routes."***

### **Policy BWT2: To Promote the Development of Key Gateways**

Policy BWT2 does not provide any indication as to what *“improved access for all transport users”* actually means, or why this relates to the enhancement and improvement of *“key gateways.”*

Furthermore, the Policy simply provides a list of roads. It does not set out precisely what *“key gateways”* comprise. Whilst I note that Figure 7, which I recommend for deletion, indicates *“key gateway roundabouts,”* Policy BTW2 does not refer to roundabouts.

In addition to the above, no indication is given as to what the *“opportunities”* for enhancing and improving undefined gateways might comprise. Further, no indication is provided as to what kind of development would be appropriate, or inappropriate, at the undefined *“gateways.”*

Taking all of the above into account, Policy BWT2 is vague and imprecise. Also, the supporting text does not appear to relate directly to the Policy, but refers to constraints on the highway network and other unrelated matters.

I recommend:

- **Delete Policy BWT2**
- **Delete title “Background/Justification”**

To some degree, the supporting text under Policy BWT2 relates to the text supporting Policy BWT1 and the only changes recommended in this regard are:

- **Page 74, fourth line down, change to “...Council Revised Preferred Option policy...”**
- **Page 74, delete final paragraph (having regard to other recommendations in this Report)**

## Local and Community Services

### Policy BWLC1: Shops and Services

Policy BWLC1 defines a “*Principal Village Centre*” and subject to the recommendations below, supports the protection and provision of retail uses within it.

This approach has regard to Chapter 8 of the Framework, “*Promoting healthy communities*,” which requires policies to plan positively for the provision of community facilities, such as local shops and other local services “*to enhance the sustainability of communities and residential environments*” (Paragraph 70).

For clarity, it would be helpful if the Policy used the same term as the Framework – “*local services*” rather than the more general “*services*” and I address this point in the recommendations below.

The Policy states that “*development will be permitted.*” As set out earlier in this Report, such an approach runs the risk of pre-determining a planning application without taking relevant factors into account. Also, the Policy states that “*the shopping and service area will be maintained.*” No indication is provided with regards who will undertake maintenance, on what basis and why this is a land use planning policy matter relevant to the Neighbourhood Plan. However, I note that the Policy seeks to protect the village centre and I make a recommendation below that provides more clarity in this regard than does the use of the word “*maintained.*”

Part 2 of the Policy is confusingly worded. It begins with a reference to proposals for a non-retail or non-service use and ends with a reference to change of use. The simpler approach recommended below could more effectively meet the aims of the Policy in this regard. The recommendations also address the use of “*permitted*” in the final part of the Policy. Whilst no definition of an “*accessible location*” is provided, it appears reasonable to conclude that any location within the settlement will be reasonably accessible and there is no evidence to the contrary.

I recommend:

- **Policy BWLC1, delete parts 1 and 2 and replace with “*Within the defined Principal Village Centre (Figure 9), the development of new shopping and local service facilities will be supported. Proposals for the change of use of an existing shop or local service use, to a non-shopping or non-local service use, will only be supported if it is demonstrated, further to a minimum six month period of active marketing, that the existing use is no longer viable.*”**

- **Policy BWLC1, change part 3 to “*Proposals for local needs retail or local service uses will be supported within the settlement boundary, subject to it being demonstrated that development would not harm local character, residential amenity or highway safety.*”**

Subject to these recommendations, Policy BWLC1 contributes to the achievement of sustainable development and meets the basic conditions.

## **Policy BWLC2: Community, Leisure Facilities and Open Spaces**

Policy BWLC2 seeks to address a number of matters. It opens with a permissive approach to the provision of community and leisure facilities, although leisure facilities are undefined and no indication of what an *“integrated parish-wide community facility”* might comprise is provided. Notwithstanding this and earlier comments with regards use of the term *“permitted,”* the general approach has regard to Chapter 8 of the Framework, *“Promoting healthy communities,”* which promotes *“opportunities for meetings between members of the community”* (Paragraph 69) and supports the provision of *“community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services...”* (Paragraph 70).

The second part of Policy BWLC2 refers to a land allocation, the deletion of which is recommended earlier in this Report.

Policy BWLC2 then seeks to protect open spaces. However, no clarity or justification is provided setting out the policy basis by which the Neighbourhood Plan is seeking to protect open spaces. Further no indication is provided with regards what the proposed protection would mean in practice.

However, further to consideration of all of the information before me, there is evidence to demonstrate that some of the open spaces shown on Figure 10 are demonstrably special to the local community.

Site P1 has sporting and recreational significance; and Sites P6 and P7 are significant community resources, being allotments. With regards the other sites, there is little evidence to demonstrate that they are demonstrably special to the local community, or that they have particular local significance.

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

*“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”*

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Notably, the Framework is explicit in stating that

*“The Local Green Space designation will not be appropriate for most green areas or open space.”* (Para 77)

Consequently, when designating Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

I have considered each of the open spaces identified in Figure 10 and referred to in Policy BWLC2 against the criteria for Local Green Space. I find that sites P1, P6 and P7 meet these criteria. Sites P2, P3, P4 and P5 do not meet the criteria. I therefore recommend, below, that sites P1, P6 and P7 be designated as Local Green Space. This will afford protection, having regard to national policy.

There is insufficient evidence to demonstrate that designating sites P2, P3, P4 and P5 as Local Green Space would meet the basic conditions.

I note that Figure 10 is insufficient with regards providing precise and clearly identifiable boundaries for land use planning purposes. I address this in the recommendations below.

The final part of Policy BWLC2 refers to Figure 11. There is no Figure 11 in the Neighbourhood Plan. I note that a number of general “buffer zones” are identified, although not precisely defined, on Figure 7, the deletion of which is recommended earlier in this Report. Further, I note that this part of the Policy states that “*new walking and cycling routes must be incorporated.*” No indication is provided with regards who will provide these routes, on what basis, or even whether such routes can be created.

Further, there is nothing to demonstrate that the above requirement would, in all cases, be necessary to make development acceptable in planning terms, be directly related to development, or be fairly and reasonably related in scale and kind to development. Consequently, I find that the approach set out would fail to have regard to Paragraph 204 of the Framework.

There is insufficient information, evidence or justification to support the requirements set out in the final paragraph of Policy BWLC2. There is no substantive evidence to demonstrate that this part of the Policy would contribute to the achievement of sustainable development, but it could prevent sustainable development from coming forward.

Taking all of the above into account, I recommend:

- **Policy BWLC2, change opening sentence to “...improve *and/or provide centrally located community facilities will be supported.*”**

- Policy BWLC2, delete “Warton West...combined site.”
- Policy BWLC2, delete remainder of Policy and replace with *“Local Green Space is designated at the three sites P1, P2 and P3, as shown on the supporting plans below. Development of Local Green Space is not permitted, other than in very special circumstances.”*
- Delete Figure 10. Provide three new plans, showing the precise boundaries of each designated area of Local Green Space. In the title for each of these plans, provide a name, related to the location, for each of P1, P2 and P3.
- For clarity, designations P1, P2 and P3 relate to P1, P6 and P7 in the submission document.
- Delete “(see Figure 11)” on page 81

NB, the use of the term “permitted” reflects the level of protection afforded to Local Green Space by the Framework.

Subject to the recommendations above, Policy BWLC2 meets the basic conditions.



## **Environment**

### **Policy BWNE1: Protecting and Enhancing Local Wildlife and Habitats**

Paragraph 109 of the Framework states that:

*“The Planning system should contribute to and enhance the natural and local environment...”*

It goes on to promote the provision of net gains in biodiversity, where possible, *“by establishing coherent, ecological networks that are more resilient to current and future pressures.”*

Generally, Policy BWNE1 seeks to contribute to and enhance the natural and local environment and thus has regard to national policy.

As worded, the opening sentence of the Policy requires all development proposals to demonstrate assessment of local wildlife and habitats. This is unlikely to be a relevant consideration for many development proposals, such as the majority of household extensions. This is addressed in the recommendations below.

The second part of the Policy places a requirement on all development to *“seek to incorporate”* an extensive list of things, *“where appropriate.”* No indication is provided as to when the incorporation of any, or all, of the long list of things will be appropriate and consequently, this part of the Policy lacks clarity.

Furthermore, the list provided includes requirements that lack justification and raise questions over matters such as viability and deliverability. For example, the first bullet point requires the enhancement of coastal features, watercourses and mature trees, amongst other things. No indication is provided as to how development can enhance such things, or why it would be appropriate to do so.

With regards the second bullet point, it is not clear in what circumstances it will be appropriate or possible for a development to create linkages between open spaces and habitats by using existing watercourses. The third bullet point refers to something that does not exist and it is not clear when the fourth bullet point would be appropriate, viable or deliverable. The final bullet point refers to the preservation of land that is already protected and further, does not provide any justification for say, existing Local Green Space, being *“incorporated”* into development.

Notwithstanding all of the above, from consideration of the evidence, it is clear that the community is supportive of the protection and enhancement of local wildlife and habitats, and the enhancement of public rights of way. I make a recommendation below with regards this latter point, having regard to Paragraph 75 of the Framework, which requires planning policies to “*protect and enhance public rights of way and access.*”

Taking all of the above into account, I recommend:

- **Policy BWNE1, change first sentence to “*Development proposals that impact on local wildlife and habitats should demonstrate how biodiversity will be protected and enhanced. Development should retain and where possible, enhance, existing coastal features, watercourses, wetlands, ponds, mature native trees and hedgerows. The creation of new habitats, new linkages between open spaces and habitats and/or improvements to the existing public rights of way network will be supported.*”**

Subject to the above, Policy BWNE1 contributes to the achievement of sustainable development and meets the basic conditions.

## **Policy BWNE2: Protecting and Enhancing Local Character and Landscape**

Fylde Borough Local Plan (2005) sets out a number of policies, including Policies EP10, EP11 and EP12, to protect the distinctive character and landscape of the area. In addition, the Framework promotes the conservation and enhancement of the natural environment (Chapter 11) and considers the recognition of *“the intrinsic character and beauty of the countryside”* to form a core planning principle (Paragraph 17).

Subject to the comments and subsequent recommendations below, Policy BWNE2 is in general conformity with the strategic policies of the Fylde Local Plan (2005) and has regard to national policy.

As worded, Policy BWNE2 places an unduly onerous burden on all development proposals. It will not be relevant or appropriate for many development proposals to demonstrate that all of the requirements set out in the Policy have been met. For example, there is no reason why a household extension should *“enhance the distinctive character and countryside setting of the rural landscape”* or incorporate buffer zones. Further, the Policy does not define what is meant by *“grain”* and this would add a confusing element to the requirements of Design and Access statements.

The Policy requires proposals to demonstrate that they reflect *“existing local settlement patterns and the predominant rural character”* of the area. The Neighbourhood Area is both urban and rural and no indication is provided as to how a development proposal can reflect both of these things at the same time, or why such an approach would be appropriate.

In the same vein, it is not clear how all development proposals, for example those entirely within the urban area, can *“enhance the distinctive character and countryside setting of the rural landscape”*. Also, no indication is provided of what materials that complement *“the character of the surrounding area”* might comprise and a general requirement for development to *“enhance”* its setting is onerous and goes well beyond the requirements of national or local strategic policy.

Notwithstanding the above, the Policy seeks to promote local distinctiveness. Such an approach has regard to Paragraph 56 of the Framework, which recognises good design as:

*“...a key aspect of sustainable development, indivisible from good planning...”*

I recommend:

- **Delete Policy BWNE2, replace with *“Development proposals should demonstrate good design, respect local character and where possible, reinforce local distinctiveness.”***

The justification to Policies BWNE1 and BWNE2 does not directly relate to the Policies themselves. However, subject to the recommendation below, it provides interesting background information, together with useful plans.

- **Justification, Page 83, delete “...and enhancement” (which is not the case)**
- **Page 84, change “Figure 12” to “*Figure 11*” (text and plan title)**
- **Page 85, delete sentence referring to “Figure 13” (which doesn’t exist)**

### **Policy BWNE3: Design to Reduce Surface Water Run Off**

Chapter 10 of the Framework, *“Meeting the challenge of climate change, flooding and coastal change,”* requires new development to be planned to avoid increased vulnerability to the range of impacts arising from climate change, including flood risk.

In seeking to address flood risk, Policy BWNE3 generally has regard to national policy. However, no substantive evidence is provided to justify the Policy’s requirement for all new development to be designed to *“maximise the retention of surface water on the development site.”* There are all kinds of ways in which sustainable urban drainage systems can manage flood risk and without detailed evidence or justification, it is inappropriate to impose a specific approach on what could comprise widely varying development, the specific circumstances relating to which are unknown.

The Policy goes on to set out various requirements. Such an approach fails to recognise that every development is likely to have its own specific circumstances and that a one size fits all approach may be inappropriate. However, generally, support for the provision of the features referred to, where appropriate, has regard to national policy’s requirement to avoid, where possible, flood risk to people and property.

I recommend:

- **Policy BWNE3, delete first sentence and change second sentence to *“The provision of sustainable urban drainage systems (SuDS) will be supported.”***
- **Replace lines three to five with *“Where appropriate, the design of new buildings...storage facilities; and water attenuation facilities such as...should be provided.”* Retain final three sentences.**

### **The Neighbourhood Plan: Other Matters**

Taking the recommendations above into account, I recommend:

- **Section 5, title, replace “Implementatio” with “*Implementation*”**
- **Page 90, delete “Housing...community”**
- **Page 91, delete “Policy BWE1 and...”**
- **Page 91, delete “*Policy BWT1 and BWT2*”**
- **Page 93, replace “...the next 15 years.” with “*the plan period.*”**
- **Delete “Section 7” and top of page 9, change to “*The Plan is divided into 6 sections*”**

I don’t recommend any changes in respect of the paragraph on page 94, as there is nothing preventing plan-making from commencing at any time.

The Glossary, whilst generally useful, is quite long, is subject to being over-taken by events and contains a number of subjective definitions. Its inclusion is a matter for the plan-makers, but I note that it would make the Neighbourhood Plan a more concise document if it was removed.

## **8. Summary**

I have recommended a number of modifications further to consideration of the Bryning with Warton Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Bryning with Warton Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

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

## **9. Referendum**

I recommend to Fylde Borough Council that, subject to the modifications proposed, the **Bryning with Warton Neighbourhood Plan should proceed to a Referendum.**

### **Referendum Area**

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Bryning with Warton Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case. Consequently, I recommend that the Plan should proceed to a Referendum based on the Bryning with Warton Neighbourhood Area approved by Fylde Borough Council on 4<sup>th</sup> October 2013.

**Nigel McGurk, April 2016**  
**Erimax – Land, Planning and Communities**

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## BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN - SCHEDULE OF CHANGES

Comprehensive list of modifications as suggested by the Independent Examiner Nigel McGurk.

Page Reference of NDP	Examiner Recommendation	Reason for the Change
Header	Change the text in the header to read <b>BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN</b>	LPA suggestion - to ensure the Plan is up to date and reads as such.
Cover page	Replace 2030 with <b>2011-2032</b>	To specify the Plan period – and keep it consistent with the emerging Local Plan dates. To avoid confusion and to enable the Plan to meet the basic conditions.
Cover page	Delete yellow box and text within it.	No-longer any requirement for the yellow box.
Page 2-4	Delete pages 2-4	Information on these pages is now out of date.
Page 5	Bullet point 106 – delete <b>...and Habitat Regulations Assessment</b>	The changes will enable the Plan to meet with the 'Basic Conditions' and proceed to Referendum.
Page 6	Delete bullet point <b>3.3 Neighbourhood Plans</b>	To aid clarity and remove repetition.
Page 6	Delete bullet point <b>4.2 Housing</b>	In light of housing section being removed.
Page 7	Delete <b>Section 7: HOW TO COMMENT ON THIS DOCUMENT</b>	This section is no-longer required at this stage of the Plan.
Page 8	1 <sup>st</sup> line – delete the word <b>Submission</b>	Improve the plan and to aid clarity and understanding.
Page 9	Change line from 7 sections to <b>6 sections</b>	In light of housing section being removed.
Page 10	Last line – <b>delete completely</b>	This section is no-longer required at this stage of the Plan.
Page 11	Delete line 5 and replace with <b>These policies have regard to national policies and advice and are in general conformity with the strategic policies of the Fylde Local Plan (2005).</b>	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.
Page 12	1 <sup>st</sup> paragraph change to ....with the opportunity to <b>have more control over development, for the benefit of the local community.</b>	Improve the plan and to aid clarity and understanding, in light of housing section being deleted.
Page 12	2 <sup>nd</sup> paragraph – delete and replace with - <b>The Neighbourhood Plan, when made, will form part of the development plan. The Neighbourhood Plan aims to preserve those things that make Bryning with Warton special.</b>	Improve the plan and to aid clarity and understanding, in light of housing section being deleted.
Page 12	<b>3<sup>rd</sup> paragraph – delete</b> entirely	The changes will enable the Plan to meet with the 'Basic Conditions' and proceed to Referendum, in light of housing section

## BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN - SCHEDULE OF CHANGES

		being deleted.
Page 15	Change 1 <sup>st</sup> paragraph to <b>...Act 2012 as part of the ...communities. In using this power, Qualifying Bodies – such as Bryning with Warton Parish Council – need to follow some fundamental principles.</b>	A NP can be made by any Qualifying Body not just PC's.
Page 15	Line 4 change to ....must <b>have regard to national policy and advice and be in general...policies of the development plan, in this case, the Fylde Local Plan (2005).</b>	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.
Page 15	Line 7 change to must be <b>compatible with European Union obligations and the European Convention on Human Rights.</b> For clarity delete the rest of the paragraph	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.
Page 15	Line 10 change to ..... <b>must also contribute to the achievement of sustainable development and a Sustainable....document.</b>	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.
Page 16	1 <sup>st</sup> paragraph – change to <b>...with the strategic policies of the adopted Local Plan and it is also good practice to take account of emerging planning policy and supporting information, where appropriate. In this regard, it is confirmed that the Neighbourhood Plan has taken into account information relating to the emerging Fylde Local Plan (2011-2032).</b> For clarity delete the rest of the paragraph.	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.
Page 16	Change last paragraph to <b>...Borough Council, any relevant Policies within the Neighbourhood Plan must be taken into account insofar as any planning application for development in the Neighbourhood Area.</b>	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.
Pages, 16,32, 33, 48, and 52	Replace or delete date reference to 2030 and replace with 2011 to 2032.	To specify the Plan period – and keep it consistent with the emerging Local Plan dates. To avoid confusion and to enable the Plan to meet the basic conditions.
Page 17	Delete <b>1<sup>st</sup> bullet point</b>	To aid clarity and understanding in light of housing section being deleted.
Page 17	Delete <b>final sentence</b>	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.
Page 18	Delete <b>We are here</b> from the diagram and change red to blue	To enable the Plan to read up to date.
Page 19	Heading – delete <b>...and Habitat Regulations Assessment</b>	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.

## BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN - SCHEDULE OF CHANGES

Page 19 - 20	Keep the first sentence and then <b><i>delete the remainder of the text (majority of p19 and all of p20).</i></b>	Changes required to enable the Plan to meet with the 'Basic Conditions'.
Section 1.6 - SA	Could set out all of the communities concerns in this section as it does in sections 2.1 and 2.2 – as the community has expressed concerns with regards housing development within the Neighbourhood Area – and it is therefore relevant to include reference to these concerns in the NP, whether or not the document includes directly related policies.	
Page 32	Heading – delete dates <b>2014 - 2030</b>	To enable the Plan to read up to date.
Page 32	Last line – delete the word <b><i>Submission.</i></b>	LPA suggestion - to enable the Plan to read up to date.
Page 33	3 <sup>rd</sup> line down – delete text <b>to 2030</b>	To correct a textual error.
Page 41	Line 4 – delete <b>15-20 years</b>	To aid clarity and understanding.
Page 42 - Objectives	Textual changes to Objectives 1, 2, 3, 4 & 5	Current Objectives are unrealistic and unachievable, and with the word 'ensure' raises concerns that the NP is promising things it cannot produce.
Page 47	Under section 3.2, second line add <b>to 2032</b> after Fylde Local Plan.	To enable the Plan to read up to date.
Page 47	Delete <b><i>The Local Plan has not been...early 2015</i></b>	To specify the Plan period – to avoid confusion and to enable the Plan to meet the basic conditions.
Page 47	Line 9 – change to <b><i>The emerging</i></b>	Factual correction
Page 47	Change the text in Green type to reflect the wording in paragraph 7.11 & 7.12 of the emerging Local Plan to 2032.	Factual correction to keep plan up to date.
Page 48	3 <sup>rd</sup> line delete – ( <b><i>e.g. by using an end date of 2030</i></b> )	To specify the Plan period – and keep it consistent with the emerging Local Plan dates.
Page 48	Delete <b>2<sup>nd</sup> paragraph</b>	To improve the Plan's legibility.
Page 49 - 51	Delete <b>Section 3.3</b>	To aid clarity and remove unnecessary repetition.
Page 52	Amend date in 1 <sup>st</sup> sentence to read <b>2032</b>	To correct a textual error.
Page 52	Delete <b><i>last sentence and 2 bullet points</i></b>	To benefit clarity and presentation.
Page 53	Delete <b><i>Housing bullet point</i></b>	To aid clarity and understanding in light of the housing section being deleted from the Plan.
Page 54 - 66	<b><i>Delete the Housing Section</i></b> of the NDP, including policies <b><i>BWH1</i></b> and <b><i>BWH2</i></b> and associated figures	No certainty that the NDP would be compatible with EU obligations. Changes will enable the Plan to meet with the 'Basic Conditions' and proceed to Referendum.
Page 67	Delete <b><i>Policy BWE1</i></b>	Policy runs the risk of pre-determining an application and refers to working with another body – who have objected to the policy. Changes will enable the Plan to meet with the 'Basic Conditions' and proceed to Referendum.

## BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN - SCHEDULE OF CHANGES

Page 68	Policy BWE2 – change the 1 <sup>st</sup> sentence to ...B2 and B8), <b><i>unless it can be demonstrated that the land is no longer viable for employment use and that there is no demand for such a use.</i></b> Delete the 2 <sup>nd</sup> sentence Ensure the Site Boundaries on <b><i>Figure 8 are correct and up to date</i></b>	Improve the plan – changes recommended will improve the robustness of the policy. As existing the policy may preclude flexibility or rapid response.  Factual correction
Page 68	Change Policy number to <b><i>Policy BWE1: Protecting Existing Employment</i></b>	To improve the Plan's legibility.
Page 68 - 69	Delete the <b><i>Background Justification on pages 68 – 69 to ....Zone benefits</i></b> ".	The changes will enable the Plan to meet with the 'Basic Conditions' and proceed to Referendum
Page 69	Add the following text before Through multi-agency.... <b><i>The Parish Council is supportive of local employment.</i></b>	Improve the plan – changes recommended will improve the robustness of the policy.
Page 71	Amend the boundary in Figure 8 – Protected Employment Sites	Factual correction, to ensure the Plan is up to date.
Page 72	Delete <b><i>Policy BWT1: Sustainable Transport</i></b>	The policy requires another body to undertake something that does not comprise of a land use planning policy – that an NDP can control.
Page 72	Create a new "Community Action: Sustainable Transport". Bryning with Warton Parish Council will work with other bodies to address matters relating to sustainable transport	
Page 72	2 <sup>nd</sup> sentence remove NPSG and replace with <b><i>Parish Council</i></b>	Factual correction
Page 73	Delete <b><i>Policy BWT2</i></b> – policy is vague and imprecise	The policy is too vague and imprecise – its deletion will enable the Plan to meet with the 'Basic Conditions' and proceed to Referendum.
Page 73	Delete <b><i>Background/Justification</i></b> title	Supporting info relates to text supporting BWT1.
Page 74	4 <sup>th</sup> line down change to - ...Council <b><i>emerging Local Plan...</i></b>	Factual correction to keep plan up to date.
Page 74	<b><i>Delete final paragraph</i></b> (having regards to housing section being removed)	To aid clarity and understanding in light of housing section being removed.
Page 75	Policy BWLC1, delete parts 1 and 2 and replace with <b><i>"Within the defined Principal Village Centre (Figure9), the development of new shopping and local service facilities will be supported. Proposals for the change of use of an existing shop or local service use, to a non-shopping or non-local service use, will only be supported if it is demonstrated, further to a minimum six month period of active marketing, that the existing use is no longer</i></b>	To aid clarity and understanding.

## BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN - SCHEDULE OF CHANGES

	<i>viable.”</i>	
Page 75	Policy BWLC1 – change part 3 to <b><i>Proposals for local needs retail or local service uses will be supported within the settlement boundary, subject to it being demonstrated that development would not harm local character, residential amenity or highway safety.</i></b>	The changes will improve the Plan and enable it to meet with the ‘Basic Conditions’ and proceed to Referendum.
Page 78	Policy BWLC2 - 1 <sup>st</sup> sentence change to ...improve <b><i>and/or provide centrally located community facilities will be supported.</i></b>  <b><i>Delete the remaining of the policy and replace with Local Green Space is designated at the three sites P1, P2 and P3, as shown on the supporting plans below. Development of Local Green Space is not permitted, other than in very special circumstances.</i></b>	Improve the plan – changes recommended will improve the robustness of the policy and enable it to meet with the ‘Basic Conditions’ and proceed to Referendum.
Page 79	<b><i>Delete Figure 10 and replace with 3 new plans,</i></b> showing the precise boundaries of each designated area of Local Green Space. In the title for each of these plans – provide a name, related to the location, for each of P1, P2 and P3.  For clarity designations P1, P2 and P3 relate to P1, P6 and P7 in the submission document.	Improve the plan – changes recommended will improve the robustness of the policy and enable it to meet with the ‘Basic Conditions’ and proceed to Referendum.  <b>Please Note that Bryning with Warton Parish Council have incorrectly identified Site P6 as an allotment when it is actually protected land belonging to the Church, therefore this open space has been deleted from the NDP and as such there is only two protected open spaces. (The Examiner was unaware of this mistake).</b>
Page 80	1 <sup>st</sup> line – replace Draft Core Strategy with <b><i>emerging Local Plan to 2032</i></b>	Factual correction to keep plan up to date.
Page 81	Delete text at end of last paragraph ( <b><i>see Figure11</i></b> )	Improve the plan.
Page 82	<b><i>Policy BWNE1 - Delete 1<sup>st</sup> paragraph and replace with Development proposals that impact on local wildlife and habitats should demonstrate how biodiversity will be protected and enhanced. Development should retain and where possible, enhance, existing coastal features, watercourses, wetlands, ponds, mature native trees and hedgerows. The creation of new habitats, new linkages between open spaces and</i></b>	Improve the plan – changes recommended will improve the robustness of the policy, as worded would not be relevant to the majority of planning apps – i.e. householder apps. To enable the Plan to meet with the ‘Basic Conditions’ and proceed to Referendum.

## BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN - SCHEDULE OF CHANGES

	<b><i>habitats and/or improvements to the existing public rights of way network will be supported.</i></b>	
Page 82	Questions the 2 <sup>nd</sup> part of Policy BWNE1 – as the bullet points do not provide as to how development can enhance such things, it is not clear what circumstances it would be appropriate, 3 <sup>rd</sup> bullet point refers to something that doesn't exist etc. – therefore has not made changes to this section as there is clear evidence that the community support the protection and enhancement of local wildlife and habitats and the enhancement of public rights of way.	
Page 83	<b><i>Delete Policy BWNE2 and replace it with Development proposals should demonstrate good design, respect local character and where possible reinforce local distinctiveness.</i></b>	Improve the plan – changes recommended will improve the robustness of the policy and enable it to meet with the 'Basic Conditions' and proceed to Referendum.
Page 83	1 <sup>st</sup> paragraph – delete ... <b><i>and enhancement</i></b>	Factual correction
Page 84	Change Figure 12 to <b><i>Figure 6</i></b>	To aid clarity due to the number of figures deleted.
Page 85	2 <sup>nd</sup> paragraph – <b><i>delete last sentence</i></b>	Factual correction – this Figure does not exist.
Page 88	Policy BWNE3 – <b><i>delete 1<sup>st</sup> paragraph</i></b> and replace it with <b><i>The provision of sustainable urban drainage systems (SuDS) will be supported.</i></b>  Replace lines three to five with <b><i>Where appropriate, the design of new buildings...storage facilities; and water attenuation facilities such as...should be provided.</i></b>	Improve the plan – changes recommended will improve the robustness of the policy and enable it to meet with the 'Basic Conditions' and proceed to Referendum.
Page 90	Change Heading from IMPLEMENTATIO to <b><i>IMPLEMENTATION</i></b>	Factual correction
Page 90	<b><i>Delete 2<sup>nd</sup> paragraph</i></b> – relating to Housing	To aid clarity and understanding in light of housing section being deleted.
Page 91	Delete .... <b><i>BWE1 and...</i></b>	Factual correction required due to loss of Policy BWE1.
Page 91	Delete heading ( <b><i>Policies BWT1, BWT2</i></b> )	Factual correction required due to loss of Policies BWT1 & BWT2
Page 93	1 <sup>st</sup> line – delete next 15 years with <b><i>plan period</i></b>	To aid clarity and understanding.
Page 95	Recommends that the Glossary is removed.	Although generally useful, it is quite long and to remove it would make the Plan a more concise document.
Page 105	<b><i>Delete this page</i></b>	Factual correction – as this section is no longer required.
Throughout the document	<b><i>Re-number pages and figures</i></b>	For clarity and understanding due to the number of amendments and deletions to the Plan.

# BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN

## DECISION STATEMENT

(The Neighbourhood Planning (General) Regulations 2012 – Part 5, paragraph 18 (2))

## Introduction

Under the Town and Country Planning Act 1990 (as amended), Fylde Borough Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 Chapter 3) sets out the local planning authority's responsibilities under neighbourhood planning.

This statement confirms that following an Independent Examination, Fylde Borough Council now confirms that subject to the modifications proposed by the Examiner's Report that the Submission version of the Bryning with Warton Neighbourhood Development Plan (the Plan) should proceed to a Neighbourhood Planning Referendum.

## Background

Bryning with Warton Parish Council, as the qualifying body successfully applied for Bryning with Warton Parish to be designated as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area designation was approved by Fylde Council on 25 October 2013.

The Bryning with Warton Neighbourhood Development Plan was published by Bryning-with-Warton Parish Council for pre-submission consultation (under Regulation 14) in July 2014 for a period of six weeks.

Following the submission of the Bryning with Warton Neighbourhood Development Plan (Submission version), to Fylde Council in September 2014 in accordance with the requirements of Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, the Plan was publicised and comments were invited over a six week consultation period, which ran from 9 October 2014 to 28 November 2014.

However, after careful deliberation the Plan was delayed from going to Independent Examination due to the then pending outcome of the Blackfield End Farm planning appeal, the result of which had the potential to have a significant impact on the Plan.

After receiving the appeal decision (which was significantly delayed) Bryning with Warton Neighbourhood Plan Steering Group (NPSG) were advised by Fylde Council to revise the Plan taking into account the outcome of that appeal decision and the number of dwellings now approved at Warton. However, the Bryning with Warton Steering Group chose to keep the Plan as originally drafted.

Therefore, Fylde Council, with the agreement of Bryning-with-Warton Parish Council appointed an Independent Examiner, Mr Nigel McGurk BSc (Hons) MCD MBA MRTPI to review the Plan and to consider whether it met the 'Basic Conditions' required by legislation and whether it should proceed to referendum.

The Examiner's report was received on 7 April 2016, and concluded that subject to a number of recommended modifications (which were identified in the Examiner's report) that the Bryning with Warton Neighbourhood Development Plan should proceed to Referendum. The Examiner further advised that the Referendum Area should be the same as the designated Neighbourhood Area, which is the same as the administrative boundary for the Bryning-with-Warton parish.



## BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN – DECISION STATEMENT

Following receipt of the Examiner's report, members from both Fylde Council and the Bryning-with-Warton Neighbourhood Steering Group (NPSG) met to discuss the Examiner's report and his findings. At this meeting two options for progressing the Plan were put forward. Option 1 – to accept all the recommended modifications and proceed to referendum, or Option 2 - the NPSG withdraw the Plan and address the recommended modifications with further evidence and justification, and re-doing the policies within the Plan. Following on from this meeting the NPSG held an emerging meeting of the steering group to discuss the proposed recommended modifications.

The NPSG took the decision to hold a public meeting to ask local residents what their opinion was on progressing the Plan. Following this meeting the NPSG took the decision to accept the Examiner's modifications and proceed to referendum.

### Decision and Reasons

Fylde Council has determined that subject to the modifications suggested by the Examiner the Bryning with Warton Neighbourhood Development Plan meets with the Basic Conditions specified in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 and is compatible with the Convention Rights and complies with provision made by or under Section 38A and 38B of the Planning and Compulsory Act 2004. Legislation requires that Fylde Council consider each of the modifications recommended and the reasons for them, and decide what action to take (see Table 1).

As a consequence, Fylde Council will accept all of the modifications recommended by the Examiner accordingly, in order for it to proceed to Referendum.

Furthermore, Fylde Council, concurs with the Examiner's findings and considers that the Referendum Area should be as the approved Neighbourhood Area, as there would appear to be no reason to change or extend it, which covers the entire parish of Bryning-with-Warton.

The list of modifications and actions required are set out in the following table. As a consequence of these changes the NDP (Referendum version) has been re-formatted accordingly to take into account amended paragraph numbers and page numbers etc.

**Table1: EXAMINER RECOMMENDED MODIFICATIONS**

Page Reference of NDP	Examiner Recommendation	Reason for the Change	Action by LPA
Header	Change the text in the header to read <b>BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN</b>	LPA suggestion - to ensure the Plan is up to date and reads as such.	Text deleted accordingly.
Cover page	Replace 2030 with <b>2011-2032</b>	To specify the Plan period – and keep it consistent with the emerging Local Plan dates. To avoid confusion and to enable the Plan to meet the basic conditions.	Agree with the Examiner. Cover page changed.
Cover page	Delete yellow box and text within it.	No-longer any requirement for the yellow box.	Agree with the Examiner. Box deleted.
Page 2-4	Delete pages 2-4	Information on these pages is now out of date.	Agree with the Examiner.

## BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN – DECISION STATEMENT

			Pages 2-4 have been deleted inclusively.
Page 5	Bullet point 106 – delete <b>...and Habitat Regulations Assessment</b>	The changes will enable the Plan to meet with the 'Basic Conditions' and proceed to Referendum.	Agree with the Examiner. Text deleted accordingly.
Page 6	Delete bullet point <b>3.3 Neighbourhood Plans</b>	To aid clarity and remove repetition.	Agree with the Examiner. Text deleted accordingly.
Page 6	Delete bullet point <b>4.2 Housing</b>	In light of housing section being removed.	Agree with the Examiner. Text deleted accordingly.
Page 7	Delete <b>Section 7: HOW TO COMMENT ON THIS DOCUMENT</b>	This section is no-longer required at this stage of the Pan.	Agree with Examiner. Text deleted accordingly.
Page 8	1 <sup>st</sup> line – delete the word <b>Submission</b>	Improve the plan and to aid clarity and understanding.	Agree with Examiner. Text deleted accordingly.
Page 9	Change line from 7 sections to <b>6 sections</b>	In light of housing section being removed.	Agree with the Examiner. Text amended accordingly.
Page 10	Last line – <b>delete completely</b>	This section is no-longer required at this stage of the Pan.	Agree with Examiner. Text deleted accordingly.
Page 11	Delete line 5 and replace with <b>These policies have regard to national policies and advice and are in general conformity with the strategic policies of the Fylde Local Plan (2005).</b>	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.	Agree with the Examiner. Text amended accordingly.
Page 12	1 <sup>st</sup> paragraph change to ....with the opportunity to <b>have more control over development, for the benefit of the local community.</b>	Improve the plan and to aid clarity and understanding, in light of housing section being deleted.	Agree with the Examiner. Text amended accordingly
Page 12	2 <sup>nd</sup> paragraph – delete and replace with - <b>The Neighbourhood Plan, when made, will form part of the development plan. The Neighbourhood Plan aims to preserve those things that make Bryning with Warton special.</b>	Improve the plan and to aid clarity and understanding, in light of housing section being deleted.	Agree with the Examiner. Text amended accordingly
Page 12	<b>3<sup>rd</sup> paragraph – delete entirely</b>	The changes will enable the Plan to meet with the 'Basic Conditions' and proceed to Referendum, in light of housing section being deleted.	Agree with the Examiner. Text deleted accordingly
Page 15	Change 1 <sup>st</sup> paragraph to <b>...Act 2012 as part of the ...communities. In using this</b>	A NP can be made by any Qualifying Body not just PC's.	Agree with Examiner Text amended accordingly.

## BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN – DECISION STATEMENT

	<i>power, Qualifying Bodies – such as Bryning with Warton Parish Council – need to follow some fundamental principles.</i>		
Page 15	Line 4 change to ....must <b>have regard to national policy and advice and be in general...policies of the development plan, in this case, the Fylde Local Plan (2005).</b>	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.	Text changed accordingly.
Page 15	Line 7 change to must be <b>compatible with European Union obligations and the European Convention on Human Rights.</b> For clarity delete the rest of the paragraph	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.	Text has been changed and remaining paragraph deleted.
Page 15	Line 10 change to ..... <b>must also contribute to the achievement of sustainable development and a Sustainable....document.</b>	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.	Text amended accordingly.
Page 16	1 <sup>st</sup> paragraph – change to <b>...with the strategic policies of the adopted Local Plan and it is also good practice to take account of emerging planning policy and supporting information, where appropriate. In this regard, it is confirmed that the Neighbourhood Plan has taken into account information relating to the emerging Fylde Local Plan (2011-2032).</b> For clarity delete the rest of the paragraph.	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.	Text amended accordingly.
Page 16	Change last paragraph to ...Borough Council, <b>any relevant Policies within the Neighbourhood Plan must be taken into account insofar as any planning application for development in the Neighbourhood Area.</b>	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.	Agree with the Examiner. Text amended accordingly.
Pages, 16,32, 33, 48, and 52	Replace or delete date reference to 2030 and replace with 2011 to 2032.	To specify the Plan period – and keep it consistent with the emerging Local Plan dates. To avoid confusion and to enable the Plan to meet the basic	Text changed accordingly.

## BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN – DECISION STATEMENT

		conditions.	
Page 17	Delete <b>1<sup>st</sup> bullet point</b>	To aid clarity and understanding in light of housing section being deleted.	Agree with the Examiner. Text deleted accordingly
Page 17	Delete <b>final sentence</b>	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.	Agree with the Examiner. Text deleted accordingly.
Page 18	Delete <b>We are here</b> from the diagram and change red to blue	To enable the Plan to read up to date.	Agree with the Examiner. Text deleted accordingly, and box re-coloured.
Page 19	Heading – delete <b>...and Habitat Regulations Assessment</b>	To avoid confusion and misinterpretation. To enable the Plan to meet the basic conditions.	Agree with the Examiner. Text deleted accordingly.
Page 19 - 20	Keep the first sentence and then <b>delete the remainder of the text (majority of p19 and all of p20).</b>	Changes required to enable the Plan to meet with the 'Basic Conditions'.	Agree with the Examiner. Text deleted accordingly.
Section 1.6 - SA	Could set out all of the communities concerns in this section as it does in sections 2.1 and 2.2 – as the community has expressed concerns with regards housing development within the Neighbourhood Area – and it is therefore relevant to include reference to these concerns in the NP, whether or not the document includes directly related policies.		PC to consider adding more information here.
Page 32	Heading – delete dates <b>2014 - 2030</b>	To enable the Plan to read up to date.	Agree with the Examiner. Text deleted accordingly.
Page 32	Last line – delete the word <b>Submission.</b>	LPA suggestion - to enable the Plan to read up to date.	Text deleted accordingly.
Page 33	3 <sup>rd</sup> line down – delete text <b>to 2030</b>	To correct a textual error.	Agree with the Examiner. Text deleted accordingly.
Page 41	Line 4 – delete <b>15-20 years</b>	To aid clarity and understanding.	Agree with the Examiner. Text deleted accordingly.
Page 42 - Objectives	Textual changes to Objectives 1, 2, 3, 4 & 5	Current Objectives are unrealistic and unachievable, and with the word 'ensure' raises concerns that the NP is promising things it cannot produce.	Agree with the Examiner. Text changed accordingly.
Page 47	Under section 3.2, second line add <b>to 2032</b> after Fylde Local Plan.	To enable the Plan to read up to date.	Agree with the Examiner. Text changed accordingly.
Page 47	Delete <b>The Local Plan has not been...early 2015</b>	To specify the Plan period – to avoid confusion and to enable the Plan to meet the basic conditions.	Text deleted accordingly.
Page 47	Line 9 – change to <b>The</b>	Factual correction	Text changed

## BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN – DECISION STATEMENT

	<b>emerging</b>		accordingly.
Page 47	Change the text in Green type to reflect the wording in paragraph 7.11 & 7.12 of the emerging Local Plan to 2032.	Factual correction to keep plan up to date.	Text amended accordingly.
Page 48	3 <sup>rd</sup> line delete – <b>(e.g. by using an end date of 2030)</b>	To specify the Plan period – and keep it consistent with the emerging Local Plan dates.	Agree with the Examiner. Text deleted accordingly.
Page 48	Delete <b>2<sup>nd</sup> paragraph</b>	To improve the Plan's legibility.	Agree with the Examiner. Text deleted accordingly.
Page 49 - 51	Delete <b>Section 3.3</b>	To aid clarity and remove unnecessary repetition.	Agree with the Examiner. Three pages deleted accordingly.
Page 52	Amend date in 1 <sup>st</sup> sentence to read <b>2032</b>	To correct a textual error.	Agree with the Examiner. Text deleted accordingly.
Page 52	Delete <b>last sentence and 2 bullet points</b>	To benefit clarity and presentation.	Agree with the Examiner. Text deleted accordingly.
Page 53	Delete <b>Housing bullet point</b>	To aid clarity and understanding in light of the housing section being deleted from the Plan.	Agree with the Examiner. Text deleted accordingly.
Page 54 - 66	<b>Delete the Housing Section</b> of the NDP, including policies <b>BWH1</b> and <b>BWH2</b> and associated figures	No certainty that the NDP would be compatible with EU obligations. Changes will enable the Plan to meet with the 'Basic Conditions' and proceed to Referendum.	Agree with the Examiner.  Pages 54-66 deleted inclusively
Page 67	Delete <b>Policy BWE1</b>	Policy runs the risk of pre-determining an application and refers to working with another body – who have objected to the policy. Changes will enable the Plan to meet with the 'Basic Conditions' and proceed to Referendum.	Agree with the Examiner. Policy deleted
Page 68	Policy BWE2 – change the 1 <sup>st</sup> sentence to ...B2 and B8), <b>unless it can be demonstrated that the land is no longer viable for employment use and that there is no demand for such a use.</b> Delete the <b>2<sup>nd</sup> sentence</b> Ensure the Site Boundaries on <b>Figure 8 are correct and up to date</b>	Improve the plan – changes recommended will improve the robustness of the policy. As existing the policy may preclude flexibility or rapid response.  Factual correction	Agree with the Examiner. Text amended accordingly.
Page 68	Change Policy number to	To improve the Plan's legibility.	LPA suggestion.

	<b>Policy BWE1: Protecting Existing Employment</b>		Policy re-numbered accordingly
<b>POLICY BWE1: PROTECTING EXISTING EMPLOYMENT</b>  The larger employment sites, including the exiting employment area at BAE Systems, shown on Figure 8, will be protected for employment uses (Use Classes B1, B2 and B8), unless it can be demonstrated that the land is no longer viable for employment use and that there is no demand for such a use.			
Page 68 - 69	Delete the <b>Background Justification on pages 68 – 69 to ....Zone benefits</b> ".	The changes will enable the Plan to meet with the 'Basic Conditions' and proceed to Referendum	Agree with the Examiner. Improve the plan. Text deleted accordingly.
Page 69	Add the following text before Through multi-agency.... <b>The Parish Council is supportive of local employment.</b>	Improve the plan – changes recommended will improve the robustness of the policy.	Agree with the Examiner. Text amended accordingly.
Page 71	Amend the boundary in Figure 8 – Protected Employment Sites	Factual correction, to ensure the Plan is up to date.	Agree with the Examiner. Update the figure accordingly.
Page 72	Delete <b>Policy BWT1: Sustainable Transport</b>	The policy requires another body to undertake something that does not comprise of a land use planning policy – that an NDP can control.	Policy deleted
Page 72	Create a new "Community Action: Sustainable Transport". Bryning with Warton Parish Council will work with other bodies to address matters relating to sustainable transport		PC to consider doing this?
<b>COMMUNITY ACTION: SUSTAINABLE TRANSPORT</b>  Bryning with Warton Parish Council will work with other bodies to address matters relating to sustainable transport.			
Page 72	2 <sup>nd</sup> sentence remove NPSG and replace with <b>Parish Council</b>	Factual correction	Text amended accordingly.
Page 73	Delete <b>Policy BWT2</b> – policy is vague and imprecise	The policy is too vague and imprecise – its deletion will enable the Plan to meet with the 'Basic Conditions' and proceed to Referendum.	Policy deleted
Page 73	Delete <b>Background/Justification</b> title	Supporting info relates to text supporting BWT1.	Text deleted accordingly.
Page 74	4 <sup>th</sup> line down change to - ...Council <b>emerging Local Plan...</b>	Factual correction to keep plan up to date.	Text changed Accordingly.
Page 74	<b>Delete final paragraph</b> (having regards to housing section being removed)	To aid clarity and understanding in light of housing section being removed.	Agree with the Examiner. Text deleted accordingly.
Page 75	Policy BWLC1, delete parts 1 and 2 and replace with <b>"Within the defined Principal</b>	To aid clarity and understanding.	Agree with the Examiner. Text changed

	<i><b>Village Centre (Figure9), the development of new shopping and local service facilities will be supported. Proposals for the change of use of an existing shop or local service use, to a non-shopping or non-local service use, will only be supported if it is demonstrated, further to a minimum six month period of active marketing, that the existing use is no longer viable.”</b></i>		Accordingly.
Page 75	Policy BWLC1 – change part 3 to <i><b>Proposals for local needs retail or local service uses will be supported within the settlement boundary, subject to it being demonstrated that development would not harm local character, residential amenity or highway safety.</b></i>	The changes will improve the Plan and enable it to meet with the ‘Basic Conditions’ and proceed to Referendum.	Agree with the Examiner. Text changed Accordingly.
<b>POLICY BWLC1: SHOPS AND SERVICES</b>  To improve the range of, and access to shopping and community facilities within Warton, the following development principles will take effect:  Within the defined Principal Village Centre (Figure 9), the development of new shopping and local service facilities will be supported. Proposals for the change of use of an existing shop or local service use, to a non-shopping or non-local service use, will only be supported if it is demonstrated, further to a minimum six month period of active marketing, that the existing use is no longer viable.  Proposals for local needs retail or local service uses will be supported within the settlement boundary, subject to it being demonstrated that development would not harm local character, residential amenity or highway safety.			
Page 78	Policy BWLC2 - 1 <sup>st</sup> sentence change to ...improve <i><b>and/or provide centrally located community facilities will be supported.</b></i>  <i><b>Delete the remaining of the policy</b></i> and replace with <i><b>Local Green Space is designated at the three sites P1, P2 and P3, as shown on the supporting plans below. Development of Local Green Space is not permitted, other than in very special circumstances.</b></i>	Improve the plan – changes recommended will improve the robustness of the policy and enable it to meet with the ‘Basic Conditions’ and proceed to Referendum.	Text amended accordingly.
<b>POLICY BWLC2: COMMUNITY, LEISURE FACILITIES AND OPEN SPACES</b>			

Proposals to improve and/or provide centrally located community facilities will be supported.			
Local Green Space is designated at the three sites P1, P2 and P3, as shown on the supporting plans below. Development of Local Green Space is not permitted, other than in very special circumstances.			
Page 79	<b>Delete Figure 10 and replace with 3 new plans</b> , showing the precise boundaries of each designated area of Local Green Space. In the title for each of these plans – provide a name, related to the location, for each of P1, P2 and P3.  For clarity designations P1, P2 and P3 relate to P1, P6 and P7 in the submission document.	Improve the plan – changes recommended will improve the robustness of the policy and enable it to meet with the 'Basic Conditions' and proceed to Referendum.	Figure 10 deleted and 2 new plans have been provided, (as P6 had been incorrectly identified on the original NDP, and as this is land owned and protected by the Church Bryning with Warton Parish Council removed its allocation).
Page 80	1 <sup>st</sup> line – replace Draft Core Strategy with <b>emerging Local Plan to 2032</b>	Factual correction to keep plan up to date.	LPA suggested change.
Page 81	Delete text at end of last paragraph ( <b>see Figure11</b> )	Improve the plan.	Text deleted accordingly.
Page 82	<b>Policy BWNE1</b> - Delete 1 <sup>st</sup> paragraph and replace with <b>Development proposals that impact on local wildlife and habitats should demonstrate how biodiversity will be protected and enhanced. Development should retain and where possible, enhance, existing coastal features, watercourses, wetlands, ponds, mature native trees and hedgerows. The creation of new habitats, new linkages between open spaces and habitats and/or improvements to the existing public rights of way network will be supported.</b>	Improve the plan – changes recommended will improve the robustness of the policy, as worded would not be relevant to the majority of planning apps – i.e. householder apps. To enable the Plan to meet with the 'Basic Conditions' and proceed to Referendum.	Agree with the Examiner. Text amended accordingly.
Page 82	Questions the 2 <sup>nd</sup> part of Policy BWNE1 – as the bullet points do not provide as to how development can enhance such things, it is not clear what circumstances it would be appropriate, 3 <sup>rd</sup> bullet point refers to something that doesn't exist etc. – therefore has not made changes to this section as there is clear evidence that the community support the protection and enhancement of local wildlife and habitats and the enhancement of public rights of way.		LPA suggest that this section is revisited and re-worded somehow to take into consideration the Examiner's comments.
<b>POLICY BWNE1: PROTECTING AND ENHANCING LOCAL WILDLIFE AND HABITATS</b>			
Development proposals that impact on local wildlife and habitats should demonstrate how			



<p>biodiversity will be protected and enhanced. Development should retain and where possible, enhance, existing coastal features, watercourses, wetlands, ponds, mature native trees and hedgerows. The creation of new habitats, new linkages between open spaces and habitats and/or improvements to the existing public rights of way network will be supported.</p> <p>Development, where appropriate, should seek to incorporate the following:</p> <ul style="list-style-type: none"> <li>• Retain existing coastal features, watercourses, wetlands, ponds, mature native trees and hedgerows.</li> <li>• Improved access to the countryside by improving the network of existing public rights of way.</li> <li>• Preserve and retain existing areas of public open space and Local Green Spaces in order to promote social interaction, community activity and active play.</li> </ul>			
Page 83	<b>Delete Policy BWNE2</b> and replace it with <b>Development proposals should demonstrate good design, respect local character and where possible reinforce local distinctiveness.</b>	Improve the plan – changes recommended will improve the robustness of the policy and enable it to meet with the 'Basic Conditions' and proceed to Referendum.	Text amended accordingly.
Page 83	1 <sup>st</sup> paragraph – delete ... <b>and enhancement</b>	Factual correction	Text deleted accordingly.
<p><b>POLICY BWNE2: PROTECTING AND ENHANCING LOCAL CHARACTER AND LANDSCAPE</b></p> <p>Development proposals should demonstrate good design, respect local character and where possible reinforce local distinctiveness.</p>			
Page 84	Change Figure 12 to <b>Figure 6</b>	To aid clarity due to the number of figures deleted.	Text amended accordingly.
Page 85	2 <sup>nd</sup> paragraph – <b>delete last sentence</b>	Factual correction – this Figure does not exist.	Text amended accordingly.
Page 88	<p>Policy BWNE3 – <b>delete 1<sup>st</sup> paragraph</b> and replace it with <b>The provision of sustainable urban drainage systems (SuDS) will be supported.</b></p> <p>Replace lines three to five with <b>Where appropriate, the design of new buildings...storage facilities; and water attenuation facilities such as...should be provided.</b></p>	Improve the plan – changes recommended will improve the robustness of the policy and enable it to meet with the 'Basic Conditions' and proceed to Referendum.	Text amended accordingly.
<p><b>POLICY BWNE3: DESIGN TO REDUCE SURFACE WATER RUN OFF</b></p> <p>The provision of sustainable urban drainage systems (SuDS) will be supported.</p> <p>Where appropriate the design of new buildings and infrastructure should take account of existing topography to manage the flow of water along specific flow routes away from property and into appropriate storage facilities; and water attenuation facilities such as lagoons, ponds and swales should be provided.</p> <p>Sustainable design of buildings which support rain water harvesting are supported. Storage of rain water for non-drinking water purposes such as watering gardens and flushing toilets is encouraged.</p>			

## BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN – DECISION STATEMENT

Areas of hard standing such as driveways and parking areas should be minimised and porous materials used where possible.			
Page 90	Change Heading from IMPLEMENTATIO to IMPLEMENTATION	Factual correction	Text amended accordingly.
Page 90	<b>Delete 2<sup>nd</sup> paragraph</b> – relating to Housing	To aid clarity and understanding in light of housing section being deleted.	Text deleted accordingly.
Page 91	Delete .... <b>BWE1 and....</b>	Factual correction required due to loss of Policy BWE1.	Text deleted accordingly.
Page 91	Delete heading ( <b>Policies BWT1, BWT2</b> )	Factual correction required due to loss of Policies BWT1 & BWT2	Text deleted accordingly.
Page 93	1 <sup>st</sup> line – delete next 15 years with <b>plan period</b>	To aid clarity and understanding.	Text amended accordingly.
Page 95	Recommends that the Glossary is removed, although generally useful, it is quite long and to remove it would make the Plan a more concise document		LPA and PC have decided to keep this section.
Page 105	<b>Delete this page</b>	Factual correction – as this section is no-longer required.	Text deleted accordingly.
Throughout the document	<b>Re-number pages and figures</b>	For clarity and understanding due to the number of amendments and deletions to the Plan.	Numbers etc. amended accordingly.



# Bryning with Warton Neighbourhood Development Plan 2011 - 2032





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## PREFACE

The Neighbourhood Plan has been produced by the Bryning with Warton Neighbourhood Plan Steering Group (NPSG), led by the Parish Council, in consultation with the local community, businesses and wider stakeholders. At a meeting of the full parish in September 2013 the community strongly supported the creation of this plan.

The Steering Group held its initial wider Community Engagement Event in April 2014. The information gathered at this event, comments from earlier community engagement, and the substantial available evidence base has helped to formulate this Neighbourhood Plan's Key Issues, Vision and Objectives. These then form the framework for the development of the Neighbourhood Plan policies and proposals. A period of formal public consultation was held on the Draft Plan in July and August 2014.





## HOW THE PLAN IS ORGANISED

The Plan is divided into 6 sections:

### **Section 1: Introduction**

This section sets out:

- How the Neighbourhood Plan fits into the planning system;
- An overview of the initial stages of public consultation, and how it has influenced the development of the Plan;
- About Bryning with Warton - a brief overview of Bryning with Warton today.

### **Section 2: A Vision for Bryning with Warton – Key Issues and Core Objectives**

- This section sets out the overall vision for development in future years, and the key themes which have contributed to the vision.

### **Section 3: National, Local and Neighbourhood Planning Policies**

- This section sets out the various planning policies that govern Neighbourhood Planning.

### **Section 4: Policies and Proposals**

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- This section sets out policies to support the overall vision.

## **Section 5: Plan Delivery and Implementation**

- This section sets out the approach and how the Neighbourhood Plan will be monitored and reviewed post implementation.

## **Section 6: Supporting Information and Evidence Base**

- This section sets out the legal framework and the justification for the plan, and includes:
  - Glossary of Terms
  - Acknowledgements
  - List of Reference Documents.





## **SECTION 1: INTRODUCTION**

### **1.1 INTRODUCTION**

The Bryning with Warton Neighbourhood Plan is a new type of planning document. It is part of the Government's new approach to planning, which aims to give local people more say about what goes on in their area. This is set out in the Localism Act that came into force in April 2012.

The Neighbourhood Plan provides a vision for the future of the community, and sets out clear planning policies to realise this vision. These policies have regard to national policies and advice, and are in general conformity with the strategic policies of the Fylde Local Plan (2005).

The Neighbourhood Plan has been developed through extensive consultation with the residents of Bryning with Warton and others with an interest in the Parish and is based on sound research and evidence. Details of the consultation have been recorded in a series of reports and an overall 'Consultation Statement' accompanies this submission version of the Plan.

The Neighbourhood Plan provides local people with the opportunity to have more control over development, for the benefit of the local community.



The Neighbourhood Plan, when made will form part of the development plan by Fylde Borough Council, and will seek to preserve what makes Bryning with Warton special.

In order to provide a structure which meets the needs of a growing population, safeguards the environment and builds the local economy, the Plan must be flexible, adaptable and, above all, sustainable in order to ensure the future wellbeing of the community.

## **1.2 BRYNING WITH WARTON NEIGHBOURHOOD PLAN AREA**

The whole parish of Bryning with Warton (Figure 1) has been formally designated as a neighbourhood planning area through an application made on 17<sup>th</sup> July 2013 under the Neighbourhood Planning Regulations 2012 (part 2 S6) and approved by Fylde Borough Council in October 2013.

## **1.3 HOW THE NEIGHBOURHOOD PLAN FITS INTO THE PLANNING SYSTEM**

Neighbourhood Plans were introduced through the Localism Act 2012, as part of the Government's devolution of power to local communities. In using this power, Qualifying Bodies – such as Bryning with Warton Parish Council – need to follow some fundamental principles.



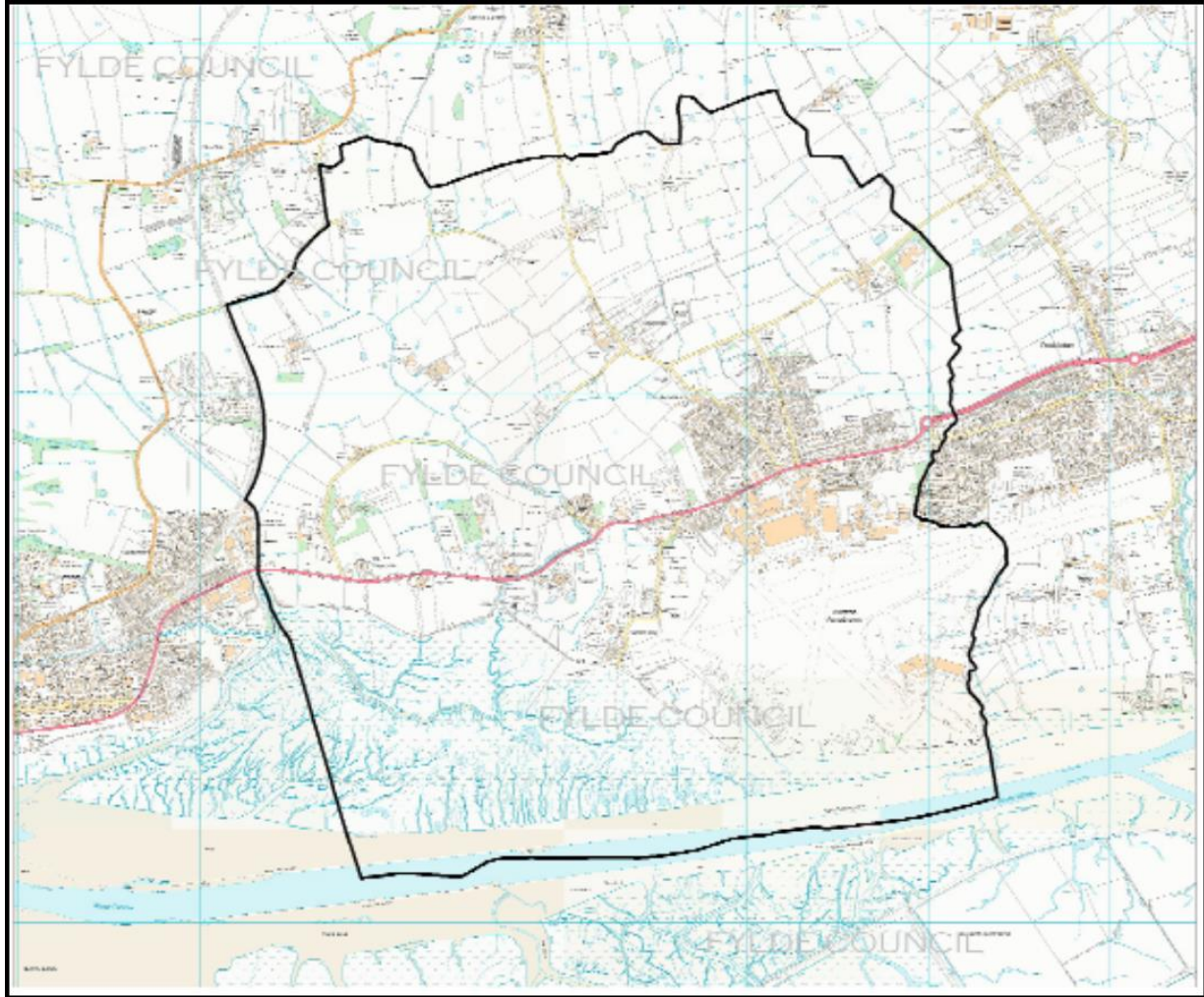
One of these is that all Neighbourhood Plans must have regard to national policy and advice and be in general conformity with the strategic planning policies of the Development Plan, in this case, the Fylde Local Plan (2005).

Neighbourhood Plans must be compatible with European Union obligations and the European Convention on Human Rights.

The Plan must also contribute to the achievement of sustainable development and a Sustainability Appraisal document.

As part of the overall Development Plan for Fylde Borough, this Neighbourhood Plan will, with the Local Plan, be the starting point for determining planning applications within Bryning with Warton.

Figure 1: Bryning with Warton Neighbourhood Plan Area



Neighbourhood Plans must be in “general conformity” with strategic policies of the adopted Local Plan and it is also good practice to take account of emerging planning policy and supporting information, where appropriate. In this regard, it is confirmed that the Neighbourhood Plan has taken into account information relating to the emerging Local Plan (2011 – 2032).

Whilst planning applications will still be determined by Fylde Borough Council, any relevant policies within the Neighbourhood

Plan must be taken into account insofar as any planning application for development in the Neighbourhood area.

## 1.4 WHAT IS IN THE NEIGHBOURHOOD PLAN?

The Bryning with Warton Neighbourhood Plan is a plan for the parish as a whole. The whole community has been consulted in an open and inclusive manner during the Plan's preparation.

The Plan looks at a wide range of issues including:

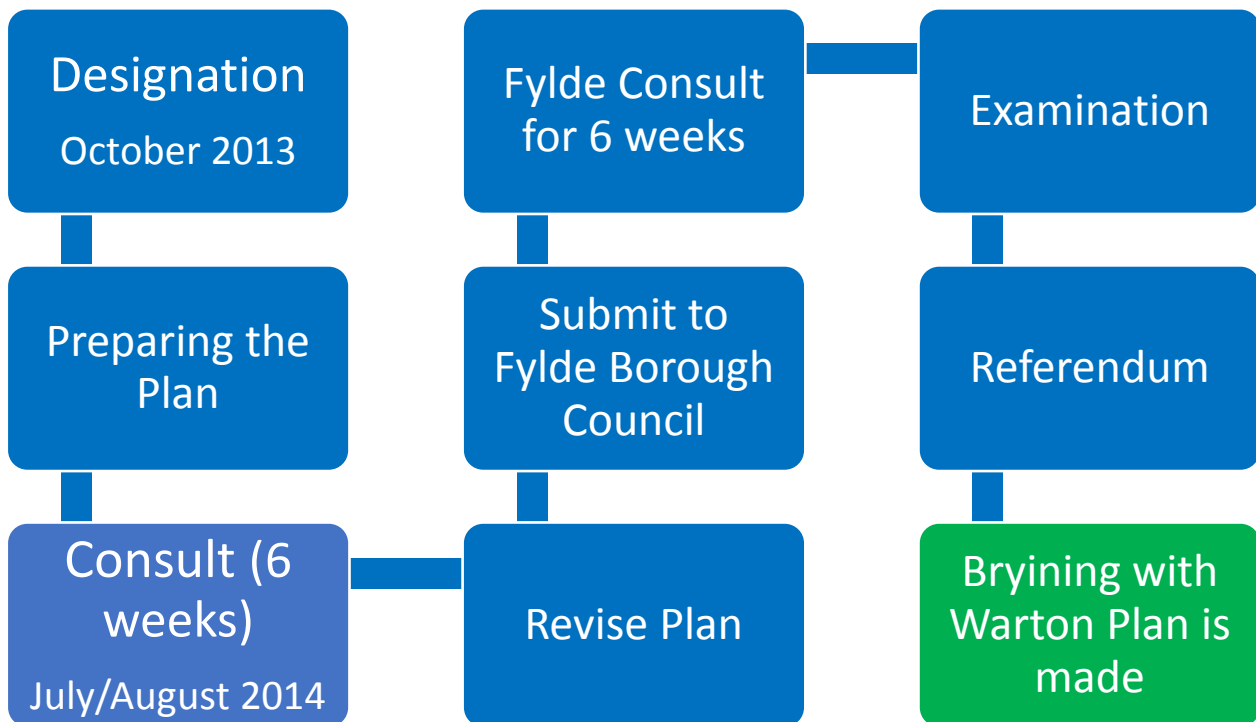
- Local employment and opportunities for businesses to set up or expand their premises;
- Transport and access issues (roads, cycling, walking etc.);
- The provision of leisure facilities, places of worship, health, entertainment, and youth facilities;
- The protection and creation of open spaces (nature reserves, allotments, sports pitches, play areas, parks and gardens).

### Introduction to the Neighbourhood Planning process



## 1.5 THE NEIGHBOURHOOD PLAN PROCESS

Neighbourhood Plans have to be prepared using a procedure set by government.



## 1.6 SUSTAINABILITY APPRAISAL

The Neighbourhood Plan has been subject to a separate Sustainability Appraisal that accompanies this Submission Plan.

## 1.7 COMMUNITY ENGAGEMENT AND CONSULTATION

The Bryning with Warton Neighbourhood Plan is important to all of those who, live, work and carry out business activity in Bryning with Warton.



The Plan has been developed after listening to the views of local people, and others interested in the future planning of the area. Views were gathered using a variety of different consultation approaches including a Graffiti Wall, Wish Tree and Past, Present and Future Photo Questionnaire.



In addition to the residents' consultation, a wide range of stakeholders, including Fylde Borough Council and property developers, were invited to attend the consultation event specifically to gather their views and concerns. Local businesses were also contacted and invited to attend. The Steering Group wanted as wide an engagement as possible.

There is a large amount of other background information that has helped in producing the Neighbourhood Plan – this is the “evidence base”.



For example, Bryning with Warton produced a Parish Plan in 2013. A community questionnaire was used to inform this plan. In September 2013, residents requested a Parish Poll in reaction to Fylde Borough Council's



Preferred Option Local Plan housing allocation. These and other documents constitute the “evidence base”.

## **1.8 ABOUT BRYNING WITH WARTON**

Bryning with Warton is a parish on the south coast of the Fylde in Lancashire with part of the parish lying along the Ribble Estuary. It includes Warton, Bryning and Kellamergh. It has a number of farms and other businesses located within its boundaries.

The parish covers an area of 1,396 hectares and has a population of 3,569. Population density at 2.6 residents per hectare illustrates the predominately rural nature of the area: population density in St Annes is 19.4; Kirkham 18.1 and Freckleton 5.3 (2011 Census). Even when taking the land BAE Systems covers (232 hectares) into consideration Bryning with Warton still has a low density of 3.2 residents per hectare.

Figure 2 shows the age structure of Bryning with Warton. Bryning with Warton has a high proportion of over 55's and 35-54 year olds.

The A584 bisects the village, being the main arterial route between Lytham and Preston.

At the time of the 2011 Census, the parish consisted of 1,607 dwellings, of which 1,178 (73%) were owner-occupied, the

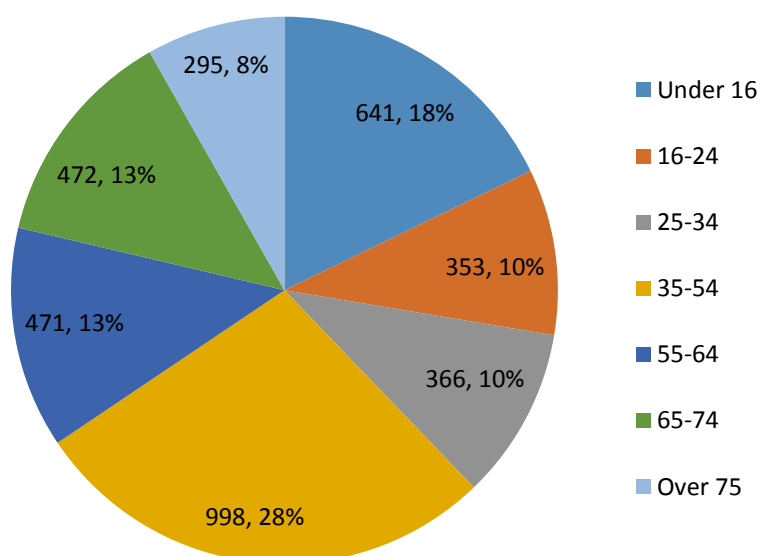


remaining dwellings being rented properties with 10% socially rented and 15% privately rented.

The provision of services, facilities, retail and employment opportunities have not kept pace with the development of housing and the increase of population in Bryning with Warton, so:

- Residents travel into the nearby service centres of Freckleton, Kirkham and Lytham for the majority of their retail needs;
- Residents have to travel at least 2 miles to access health services such as GPs, dentist, chiropody; and
- There is a small number of community facilities within the village, mostly centred at the Village Hall or at Bridges Playing Fields.

**Figure 2 : Age Structure of Bryning with Warton Resident (2011 Census)**



Whilst this lack of services and facilities is an issue locally, residents value the fact that Warton is still a village with a distinctive character of urban aspects as well as rural.

The parish covers an area of 1,396 hectares and has a population of 3,569. Population density at 2.6 residents per hectare illustrates the predominately rural nature of the area: population density in St Annes is 19.4; Kirkham 18.1 and Freckleton 5.3 (2011 Census).

## Employment

Bryning with Warton is home to one of the North West's biggest employers. BAE Systems employs around six thousand workers,



and along with the Fylde Office of the Land Registry, which is also based in Warton, provides significant job opportunities across the region.

A small percentage of Bryning with Warton residents work at BAE, therefore a high proportion of the workforce commute causing the village's main routes to be highly congested at peak times.

Unemployment in Bryning with Warton is very low at 2.9%, with 67% of the working age population of the parish economically active. (2011 Census)

The Warton and Samlesbury Enterprise Zones were designated on 1st April 2012, with 75 hectares allocated to Warton. The aim of the Enterprise Zone is to attract a range of advanced engineering and manufacturing businesses and to create thousands of new jobs over the coming years – but it is publicly recognised that take-up at Warton will be a “slow-burner”. Businesses will get incentives to set up or expand on the zone including discounted business rates and a simplified planning regime.



In May 2014, the Government’s Department for Business Innovation and Skills confirmed that the Assisted Area Map for 2014-2020 had been approved and will be implemented into UK Legislation by July 2014.

Assisted Area Status is a means to target economically weak regions of the EU to maximise the impact of state aid through greater levels of European funding, to have the greatest impact on promoting growth, productivity, skills and jobs. Though it does not bring with it specific funding, Assisted Area Status offers eligibility for certain forms of financial support.

## **Public Transport Services**

The village is currently served by two bus services.



The number 68 service is operated by Stagecoach to Preston and Blackpool, and during the day the service runs every 15 minutes. The journey time to Preston is 35 minutes, the first bus leaving Warton at 06.32 and the last service from Preston leaving there at 23.10. The journey time to Blackpool is 55 minutes with the first bus leaving Warton at 05.54 and the last service leaving Blackpool at 23.00.

The number 78 service is operated by Coastal Coaches to St Anne's Square and Wesham & Kirkham. The journey time to Kirkham is 15 minutes, the first bus leaving Warton at 07.19 and the last service from Kirkham leaving there at 22.08. The journey time to St. Anne's is 25 minutes with the first bus leaving Warton at 07.06 and the last service leaving St. Anne's at 19.30, although there is a later service which leaves Lytham at 23.00.

There are reduced services in the evening and on Sundays and Bank Holidays.

The nearest train stations are Kirkham & Wesham and Lytham both of which are 4 miles away.

## **Car Ownership**

As a community with limited services, amenities and very specialist employment opportunities, private car ownership and usage is the predominant method of transport; with 49% of all

households owning at least 1 car or van. Interestingly, 15% of households have no access to a car or a van. (2011 Census)

Fylde Borough Council's Green Infrastructure Strategy identified Warton as one of the most heavily polluted areas in Fylde.

## Housing

**Table 1: Household Mix and number of dwellings in Bryning with Warton Parish**

Household Mix	Number of dwellings
Detached bungalow/house	433
Semi-detached bungalow/house	650
Terrace	377
Flat, maisonette or apartment	41
Purpose built block of flats	30
Flat, maisonette or apartment in a commercial building	9
Caravan or other mobile home	106

Warton is a popular place to live. There are over 1,500 permanent dwellings in the Parish: 70% of those are detached or semi-detached homes, see Table 1 above.

## 1.9 BRIEF HISTORY OF BRYNING WITH WARTON

Up until the late 1800s Warton was the site of one of the few “peg-and-post” mills left in the UK. It is called a peg-and-post mill from the fact that the whole structure stands on a peg or strong central shaft of wood driven into the ground, on which the whole structure was turned round, so as to bring the sails facing the wind, by a wheel running on the ground, worked by a long pole as a lever. Regrettably it was allowed to decay into disrepair and demolished, but Mill Lane, Post Lane and Peg Way in the village commemorate its passing and now only its millstone and the old anvil are preserved at the former smithy.



From the 1930s, the ‘Glasshouse Industry’ developed in Warton and the climate and conditions being particularly suitable for the growing of ‘Blackpool’ tomatoes and lettuce. This industry came to an end by the 1960s-70s.



During the Second World War, all available land in Warton and Freckleton was commandeered by the Air

Ministry and an enormous aerodrome was constructed with the

biggest hanger and longest runway in Europe. Thousands of USAAF personnel arrived and were based at Warton until the war ended.

After the War, the entire aerodrome was taken over for manufacturing, now BAE Systems. Warton village and BAE Systems have successfully lived



side by side for many years and will continue to do so with part of the site now designated as an Enterprise Zone.



## SECTION 2: KEY ISSUES, CORE OBJECTIVES AND THE VISION FOR THE FUTURE

**Our aim for the parish of Bryning with Warton is that it should retain its village character.** Residents have made this clear on many occasions. They want Warton to remain of a size and scale that retains this blend of urban and rural. Any future growth should be proportionate and sustainable to the size of the settlement and the function it performs and the level of development must be sustainable in terms of its impact on the existing local community.

*"A village is defined as a compact clustered settlement, larger than a hamlet, but smaller than a town with a population ranging from a few hundred to several thousand."* (BBC Domesday Project)

In 2012, Bryning with Warton Parish Council completed the process of producing a Parish Plan. Through the Parish Plan and Neighbourhood Plan community engagement events the Neighbourhood Plan Steering Group has identified a number of key issues facing the parish and its future development which have informed the content of this Neighbourhood Plan.

Bryning with Warton residents who attended a Parish Meeting in August 2013 voted unanimously for a Parish Poll around the subject of the scale of proposed development in the Fylde Borough Council Preferred Options Local Plan. The poll results represented



a resounding opinion that the scale of development proposed was too high.

The community and stakeholder engagement undertaken in the preparation of this Plan is reported in full in the Consultation Statement submitted alongside this document.

## **2.1 SUMMARY OF KEY ISSUES**

The views expressed by local residents at the various consultation events were put together with other evidence, such as the emerging Local Plan evidence base. In summary, the key issues that the Neighbourhood Plan for Bryning with Warton must address are:

### **1. HOUSING**

- Concern about future housing development in the parish.
- The emerging Fylde Borough Council Local Plan proposed 1,160 additional dwellings for Bryning with Warton up to 2030. Most residents do not agree with this scale of development.
- The assumptions for growth are based around forecasts for employment growth at the BAE Enterprise Zone.
- Housing growth should be accommodated within the village in a sensitive way commensurate with the village status.
- There is concern that the level of housing proposed is disproportionate to the needs of the village.

- Housing should not be built before additional facilities are provided.
- Any new housing should be supported by adequate infrastructure – medical centre, schools, leisure, etc.
- Concerns with the amount of Greenfield land that could be built on and lost.
- Concerns about the need for more housing in the area given the number of dwellings currently on the market.
- Housing in Bryning with Warton has expanded over a relatively short time period but facilities and amenities have not increased accordingly leaving a significant gap.
- There is a concern that future housing development should include housing for the older generation and help to diversify the housing available.
- Lower density development is more suitable to the character of the area, with more landscaping.
- The housing types, tenures and sizes should reflect the requirements of the area.
- Concerns have been raised in relation to the design of future housing and the 'Lego-style', 'little-box' standard house types provided in new developments at present. A more bespoke design for the area would enhance the community and village concept of the area.

## 2. SHOPPING

- The village heart is a key priority for the area.



- Ensuring the village centre continues to operate with local shops, services and community infrastructure.
- Improvements are needed to the appearance of the shops – a co-ordinated approach is required.
- The small things will make a big difference in the village centre.
- Pedestrian Safety - clear definition between the pavement and road and car parking around the village centre.

### **3. EMPLOYMENT**

- There are concerns that future employment development within the parish should be of an appropriate scale.
- Workshops are required for small businesses within the village.
- A section of the Enterprise Zone should be allocated for new start-up businesses.
- Residents are concerned that all our Greenfields will be built on, then brownfield sites within BAE Systems/Enterprise Zone may be released in future years.
- No available employment land within the settlement.

### **4. TRANSPORT AND TRAFFIC MANAGEMENT**

- Public transport services to nearby Key Service Centres and facilities are poor. As a result the vast majority of journeys are made by private car.



- Public transport services to our Accident and Emergency Hospitals are poor with no direct bus service. Duration could be up to 1hr 30mins.
- Traffic and congestion on Lytham Road.
- Lytham Road is not suitable for the amount of proposed developments requiring access.
- Bryning Lane is a C road in poor condition which transports large amounts of traffic daily to the main employers.
- Church Road suffers with the amount of traffic at present with the estates either side being used as rat-runs with no adherence to the speed limit.
- There is no scope to widen any of our roads to alleviate the congestion issues.
- Parking bays are required around Harbour Lane, Queensway and Canberra Way.
- There are concerns in relation to the increase in traffic on the existing highway networks which is endangering cyclists.
- Hillock Lane requires full resurfacing; it is part of the National Cycle Network.
- Appropriate pedestrian facilities in the form of footways and cycle ways on existing roads require improvements.
- Additional safe pedestrian crossings are required on the main roads.
- There needs to be more access to off-road cycle paths in the area creating linkages to other villages, the National Cycleway; the existing wildlife areas.



- The SSSI (Estuary and the Lancashire Coastal Way) need enhancing and better access and parking facilities.

## **5. LEISURE AND WELL-BEING**

- There is a lack of both formal and informal leisure facilities within the village, resulting in the need to travel elsewhere to access facilities.
- There is a lack of facilities and opportunities for young people within the village, resulting in the need to travel elsewhere to access facilities.
- Bridges Playing Fields is seen as a key asset to the community, with the retention of the playing fields being a priority, however, access is poor at present (vehicular and pedestrian).
- Children would like to see another large park on the west side of the village.
- Facilities are limited for the teenage population of the village.
- New play areas, parks and wildlife areas should be encouraged with a park located in the centre of the village being specifically requested.
- There is a need to promote and protect allotment sites.
- Lack of awareness/poor communication of available community activities.

## **6. ENVIRONMENT – HERITAGE AND AREAS OF OPEN SPACES FOR PROTECTION**

- The Green Infrastructure of the area should be protected and enhanced.
- Concerns have been raised in relation to the lack of landscaping on the verges of the major transport routes.
- Encourage green buffer areas around new development to create soft boundaries and enhance biodiversity.
- Concerns were raised about protected species, especially when habitats are being destroyed.
- Create better access to our natural environment.
- There is a strong desire to preserve existing publicly accessible open spaces and green spaces surrounding the villages, to ensure that any new developments maintain public rights of way and also to improve footpath networks to provide access to the surrounding countryside.
- To promote and protect existing allotment space.

## **2.2 THE VISION AND CORE OBJECTIVES OF THE NEIGHBOURHOOD PLAN**

The vision and core objectives are based on the key issues identified by the Steering Group, consultation and analysis of the evidence base. They have been summarised and refined by the Steering Group to form the basis of the Neighbourhood Plan for Bryning with Warton.

### **VISION**

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The key principle underpinning the Vision is that Warton must remain a village. In developing the plan, the Steering Group has, therefore, applied some overarching principles which are aimed at ensuring that Warton retains its village status.

The Neighbourhood Plan sets out the Vision for the area and reflects the thoughts and feelings of local people with a real interest in their community. The plan sets out objectives on key issues such as, moving around, housing, employment, and public open space and community facilities.

Instead of piecemeal development being forced on Warton, this Plan enables the community to identify how it would like the village to evolve. This includes housing, employment, community and leisure facilities as well as better streets, transport and health facilities.

Throughout, the NPSG has ensured that the principles and policies set out in the plan reflect national planning policy as well as the Fylde Borough Council Local Plan.

The Bryning with Warton Neighbourhood Plan is the opportunity for all those with an interest in the area's future, to look forward in order to help plan and shape future development.

The Neighbourhood Plan must:

- Preserve the rural character of our Parish.
- Maintain and protect its integrity – its rural setting and green approaches that extend into the village.

- Ensure any new developments respect the design and quality of existing buildings.
- Ensure that new development does not have a detrimental impact on highway safety.
- Plan for a better/improved village centre to encourage sustainable travel and support economic growth.

## OBJECTIVES

**To achieve this vision the NPSG has identified the following objectives for Bryning with Warton Neighbourhood Plan:**

1. To accommodate development in a manner that preserves the rural character.
2. For new development to integrate with existing and be of benefit to the community.
3. For new development to respect the design and quality of existing buildings.
4. For new development to have appropriate green buffers to enhance biodiversity and protect the rural character and amenity of Bryning with Warton.
5. For new development to provide new focal points to add variety to the streetscene and environment.







6. To control development to avoid sprawl into the surrounding countryside
7. To provide a sensitive transition between the built development and the surrounding rural environs.
8. To provide strong gateways at key arrival points which will maintain and protect the integrity – its rural setting and green approaches that extend into our village.
9. To improve public transport and traffic management in tandem with new housing development.
10. To maintain the rural character of Hillock Lane.
11. To ensure that new development does not have a detrimental impact on highway safety.
12. To provide new facilities and improve existing local leisure facilities, retail and employment provision, services and amenities in tandem with any new housing development.
13. To enhance existing retail activity and capture more local spending within Warton and help to strengthen the heart of the village.



14. To promote a stronger and better designed Warton village centre in its current location.
15. To improve the pedestrian environment within the centre of the village.
16. To provide good quality open space that connects up to provide new green routes, enhance recreation and provide better access to both formal and informal open space.
17. To preserve important existing green spaces and create new green space for the community, improving access to the surrounding countryside via new housing developments.
18. To enhance local footpaths and cycle ways.
19. To improve employment opportunities that provide “added value” for the community; mixed uses such as starter units and workshops.
20. To ensure that the Bryning with Warton Neighbourhood Plan promotes sustainable development for future generations.

## SECTION 3: NATIONAL, LOCAL AND NEIGHBOURHOOD PLANNING POLICIES

### 3.1 National Planning Policy

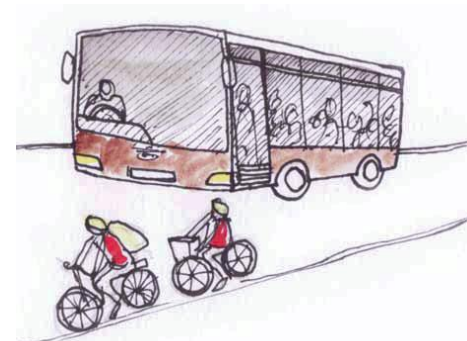
The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which **local people** and their councils can produce their own and distinctive local and neighbourhood **plans, which reflect the needs and priorities of their communities.**

Fundamental to the Government's planning policy is the presumption in favour of sustainable development. The NPPF identifies three dimensions to sustainable development: economic, social and environmental. These give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as



part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

These roles cannot be undertaken in isolation because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including:

- making it easier for local jobs to be created;
- achieving net gains for nature;
- ensuring better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

### 3.2 Fylde Planning Policy

The Bryning with Warton Neighbourhood Plan has been prepared to be "in general conformity" with the Fylde's Local Plan 2005. The Plan also takes account of emerging planning policy in the Fylde Local Plan to 2032.

The emerging Local Plan to 2032 identifies Warton as one of four Strategic Locations for Development but crucially states that ***"The comprehensive development of the Strategic Locations will be dependent upon the provision of infrastructure to ensure a sustainable development. An infrastructure delivery schedule has been drafted and is incorporated as Appendix 2 in the IDP, which accompanies this Local Plan. The delivery schedule will be secured through a legal agreement between the developer and the Council to ensure that the development proceeds only when the necessary infrastructure is in place. All schemes within the infrastructure delivery schedule will be implemented through the scheme and such contributions could be offset from any CIL monies required."***

***To ensure the Strategic Locations for Development are sustainable, community facilities including nursery, primary and secondary education provision, local retail centres and health care provision will need to be included within the infrastructure delivery schedule and provided through developer contributions. Greater connectivity will be required between the sites allocated for residential development and the existing settlements. The Green Infrastructure network will be an integral part of the development of the Strategic Locations to create high quality attractive environments and to connect into existing landscapes. This will include the provision of cycleways, bridleways and footpath connections within the sites and links to the ecological network; all of which will need to be included within the infrastructure delivery schedule (IDS)." (Para's 7.11 & 7.12 of the submitted Fylde Local Plan to 2032)***

The Neighbourhood Plan Steering Group (NPSG) has been working closely with Fylde Borough Council (FBC) to ensure the

Neighbourhood Plan is in general conformity with the adopted Local Plan but also, importantly, takes account, where necessary, of the emerging Local Plan and is developed to take full account of the views of the community and others raised during consultation and engagement.

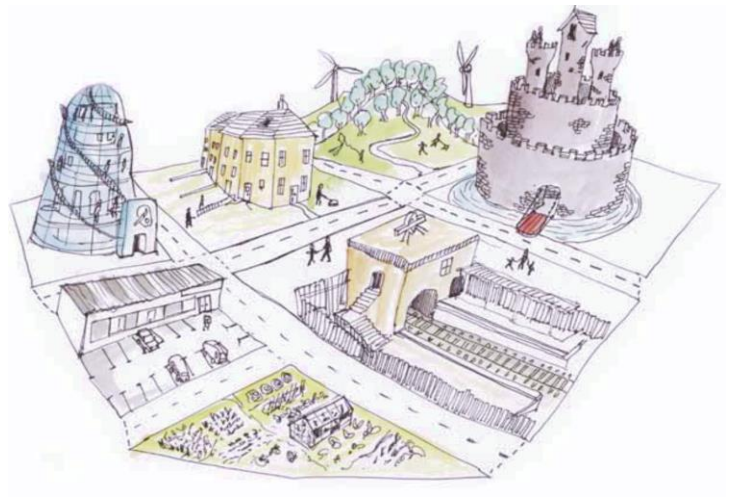




## SECTION 4: POLICIES AND PROPOSALS

### 4.1 Background

This section sets out the planning policies that will be used up to 2032 to achieve the vision and objectives identified earlier in this document. Each set of policies is set out under the appropriate heading.



These policies will be used to help determine current and future planning applications in the parish and to help shape the future of the parish as a place to live, work and play.

The identification and development of the Neighbourhood Plan Policies has been driven by the Objectives identified earlier in this document. These policies recognise the overwhelming view of the community, as demonstrated through:

- the Parish Plan,
- responses to the Preferred Options Local Plan and associated petitions,
- the Parish Poll, and
- the Neighbourhood Plan engagement events.

The proposed policies fall under the following distinct headings:



- Employment
- Transport & Infrastructure
- Local & Community Facilities
- Environment

## 4.2 EMPLOYMENT

### **POLICY BWE1 – PROTECTING EXISTING EMPLOYMENT**

The larger employment sites, including the existing employment area at BAE Systems, shown on Figure 3 will be protected for employment uses (Use Classes B1, B2 and B8) unless it can be demonstrated that the land is no longer viable for employment use and that there is no demand for such a

#### **Background/Justification:**

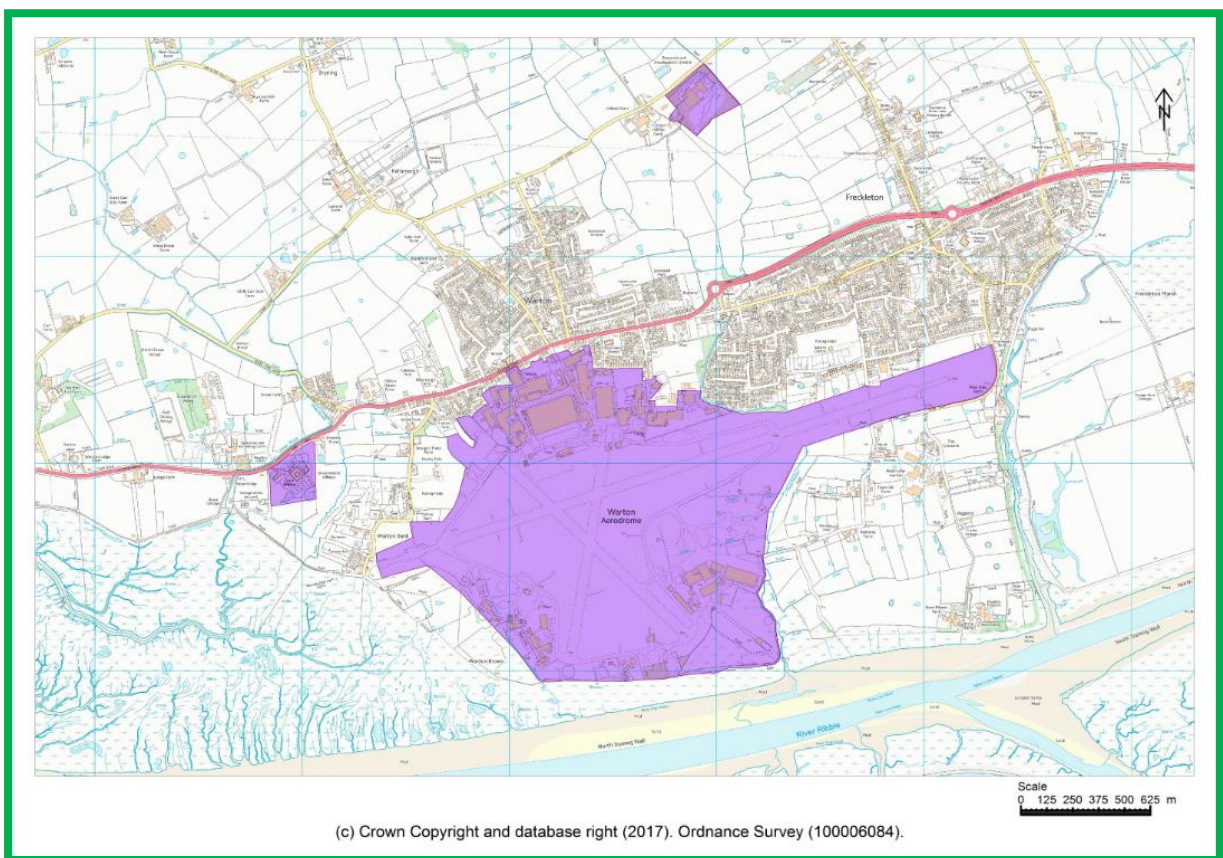
The Parish Council is supportive of local employment through multi-agency working the NPSG aims to identify a wider range of employment opportunities to meet local needs by:

- Identifying and reducing barriers to potential employers who wish to relocate here;
- Developing opportunities for employment which enhance the parish and prevent the loss of key services;
- Setting up or improving new initiatives to develop skills and employment opportunities for local people;



- Encouraging safe and attractive pedestrian and cycle routes to the edge of parish employment areas will be encouraged; and
- Gaining an understanding of the opportunities afforded by Assisted Area Status and ensuring that local businesses take advantage of the scheme.

**Figure 3: Protected Employment Sites**



## 4.3 TRANSPORT & INFRASTRUCTURE

### COMMUNITY ACTION: SUSTAINABLE TRANSPORT

**Bryning with Warton Parish Council will work with other bodies to address matters relating to sustainable transport.**



Lancashire County Council is currently preparing a Fylde Coast Highways and Transport Masterplan. The Parish Council will work together with Lancashire County Council, Fylde Borough Council, public transport providers, local schools and developers to develop a long term sustainable strategy for improvements to the highway network and the management of traffic in and around Bryning with Warton to reduce the impact of development on the community by:

- Encouraging better access to and increased use of public transport;
- Working with the Borough Council to refurbish the existing village centre car park in order to provide more spaces;
- Improving links within the existing built-up area for walking, cycling and bus provision; and
- Ensuring other vehicular traffic keeps to appropriate routes.

There are acknowledged major constraints on the highway network in Bryning with Warton with limited opportunities to ease congestion at peak times.

At the Warton Stakeholder meeting facilitated by Fylde Borough Council on 20 November 2013, Lancashire County Council expressed concerns that the existing local network already suffers from congestion at peak times. Lancashire County Council also made it clear at the same meeting that there are sustainability issues in Warton that must be addressed by a comprehensive

masterplan, supported and delivered by all developers, and in consultation with the community. **If not, there is a great risk that further development proposals of significance will not satisfy the aims and objectives of the NPPF. Lancashire County Council Strategic Transport stated that they could not support any development coming forward on an ad-hoc basis.**

Fylde Borough Council has an Infrastructure Delivery Plan which sets out and supports infrastructure requirements. (Policy INF1 – Services Accessibility and Infrastructure of the emerging Fylde Local Plan to 2032). It recognises that it should seek to make the most of existing infrastructure by focussing on sustainable locations with the best infrastructure capacity, and, where appropriate, demonstrate how access to services will be achieved by means other than a car.

## 4.4 LOCAL AND COMMUNITY SERVICES

### **POLICY BWLC1: SHOPS AND SERVICES**

To improve the range of, and access to shopping and community facilities within Warton, the following development principles will take effect:

Within the defined Principal Village Centre (Figure 4), the development of new shopping and local service facilities will be supported. Proposals for the change of use of an existing shop or local service use, to a non-shopping or non-local service use, will only be supported if it is demonstrated, further to a minimum six month period of active marketing, that the existing use is no longer viable.

Proposals for local needs retail or local service uses will be supported within the settlement boundary, subject to it being demonstrated that development would not harm local character, residential amenity or highway safety.

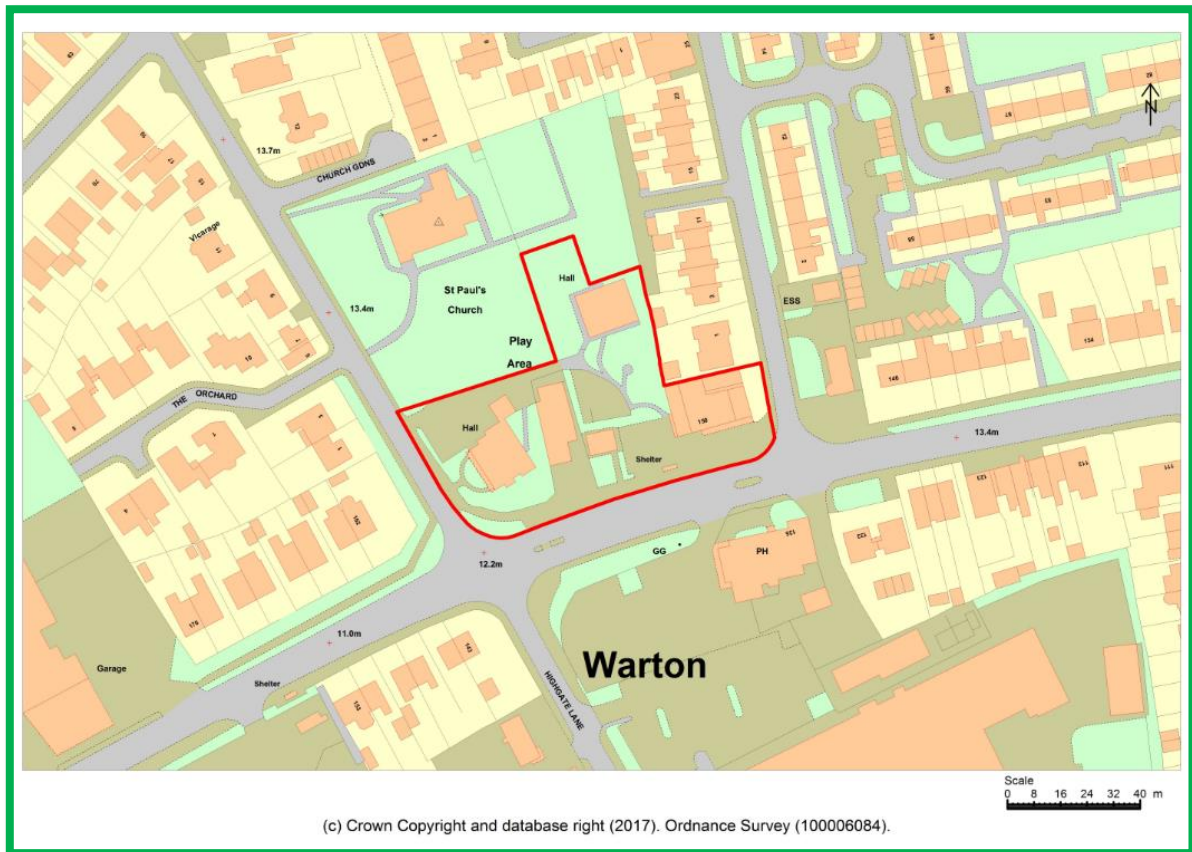
### **Background/Justification**

The Parish Plan 2012 identified that only 6% of respondents did their weekly shopping in Bryning with Warton, 23% did their shopping in Kirkham and 28% in Lytham.

The emerging Local Plan has identified that, in the case of Warton, opportunities should be taken to enhance the 'local centre' to provide a focal point with improvements to the public realm through the production of a design strategy for the local centre.

In addition, to controlling and promoting further development through Policy BWLC1, the following supporting actions through a multi-agency 'village centre' strategy will be developed to improve and enhance the principal village centre, including:

**Figure 4: Principal Village Centre**



- A co-ordinated approach to shop frontages;
- Support and encouragement to businesses to help them thrive through initiatives such as improvement grants and shop-front competitions;
- Encouragement of a greater mix of shopping and additional facilities, for example a cafe, delicatessen and banking facilities;



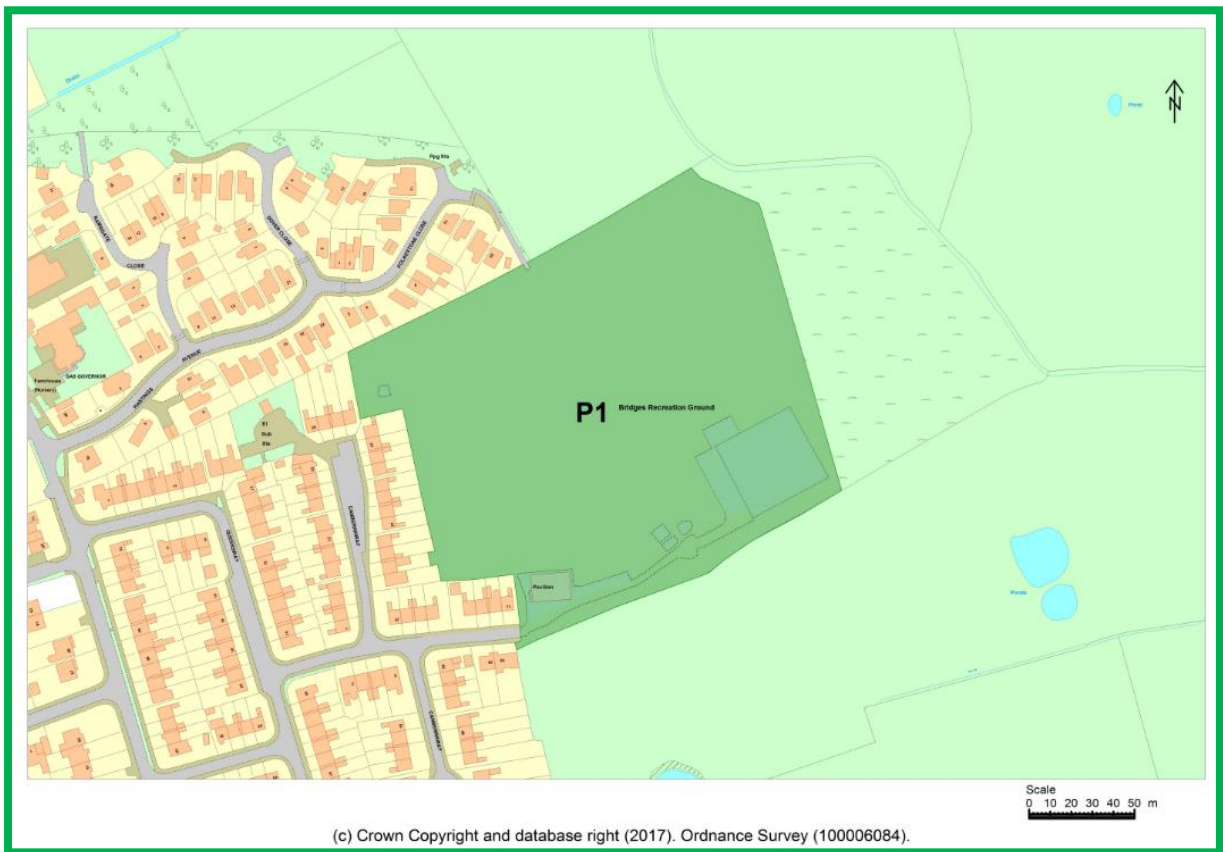
- Clear and attractive signage and clear pedestrian routes; and
- Provision of additional and safe parking facilities via a traffic management plan.

## **POLICY BWLC2: COMMUNITY, LEISURE FACILITIES AND OPEN SPACES**

Proposals to improve and/or provide centrally located community facilities will be supported.

Local Green Space is designated at the two sites P1 and P2, as shown on the supporting plans below. Development of Local Green Space is not permitted, other than in very special circumstances.

**Figure 5 – P1 – Bridges Playing Fields**



Policy INF1 – Services Accessibility and Infrastructure of the emerging Fylde Local Plan to 2032 states new developments should demonstrate how the range of local social and community services and facilities available will be suitable and accessible for the intended users

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consultations residents highlight deficiencies in provision in rural areas.

Warton has specific deficiencies in Natural/Semi Natural Greenspace. To meet the identified Civic Space deficit in the area, the provision of one site equating to 0.4 hectares is required.

There is a lack of provision for young people in rural parishes across the Borough. In Bryning with Warton, consultation has identified that this is an issue that needs to be addressed. For example, Bridges Playing Fields requires upgrades and improvements. This has been identified in the Open Space, Sports and Recreation Study aiming to work with local residents to examine possibilities to upgrade or replace facilities on the playing field, enhancing the quality and value to the local community resulting in increased usage.

The Steering Group supports the view that all parks and gardens in Fylde should be of a similar standard to Lowther Gardens or Park View Road. It was also recognised that Parish Councils require strategic assistance to develop their community parks and recreation grounds to meet the needs of the community.

The Strategic aims of the study are ones that Bryning with Warton NPSG supports:



*"To provide safe, usable open space, sport and recreational facilities that are accessible and inclusive for all residents."*

*"To ensure that any new developments take into account the need for appropriate levels of public open space and leisure facilities."*

*"To utilise open spaces to promote and celebrate community cohesion, equality and diversity through provision of a range of inclusive activities that engage residents."*

Potential sites were identified as suitable for the construction of community and leisure facilities during the Bryning with Warton Neighbourhood Plan consultation process.

## 4.5 ENVIRONMENT

### **POLICY BWNE1 - PROTECTING AND ENHANCING LOCAL WILDLIFE AND HABITATS**

Development proposals that impact on local wildlife and habitats should demonstrate how biodiversity will be protected and enhanced. Development should retain and where possible, enhance existing coastal features, watercourses, wetlands, ponds, native trees and hedgerows. The creation of new habitats, new linkages between open spaces and habitats and for improvements to the existing public rights of way network will be supported.

Development, where appropriate, should seek to incorporate the following:

- Retention of existing coastal features, watercourses, wetlands, ponds, mature native trees and hedgerows.
- Improved access to the countryside by improving the network of existing public rights of way.
- Preservation of existing areas of public open space and Local Green Spaces in order to promote social interaction, community activity and active play.

## **POLICY BWNE2 - PROTECTING AND ENHANCING LOCAL CHARACTER AND LANDSCAPE**

Development proposals should demonstrate good design, respect local character and where possible, reinforce local distinctiveness.

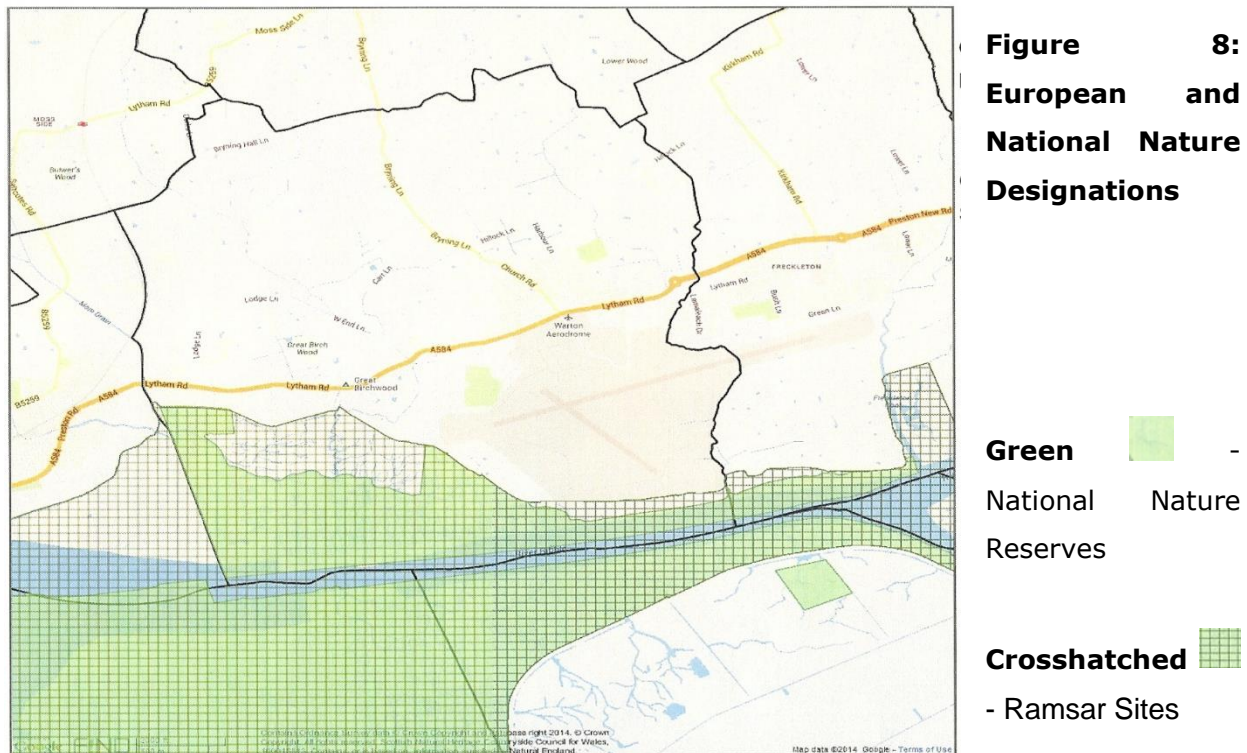
### **Background/Justification**

Bryning with Warton includes a number of significant environmental assets which require protection. The NPPF recognises that the planning system should contribute to and enhance the natural and local environment (para. 109) and Neighbourhood Plans have a role in supporting local authority and national planning policies to ensure that environmental issues are given proper consideration as part of sustainable development.

#### **Wildlife and Habitats**

The southern boundary of the Parish is part of the Ribble Estuary, This European Site is protected for its important habitat of salt marshes and mudflats that supports a wide range of invertebrates, birds and plants, Figure 8.

Altogether there are two European designated sites within the Bryning with Warton Neighbourhood Plan Boundary.



These are the Ribble and Alt Estuaries Special Protection Area (SPA) and the Ribble and Alt Estuaries Ramsar Site.

Part of this area also includes a Site of Special Scientific Interest (SSSI). Natural England has designated the very best parts of the SSSIs as Natural Nature Reserves (NNRs).

The *Lancashire Biodiversity Action Plan, 2001, Salt Marsh and Estuarine Rivers BAP Habitat Action Plan* identifies that developments and built infrastructure have resulted in a significant habitat loss in the past in these areas and the Parish Council is concerned that future change is managed carefully in this highly sensitive environment.



Bryning with Warton lies within National England Character Area 32 Lancashire Amounderness and Plains, which include several Statements of Environmental Opportunity (SEO). In particular the following, are identified as being of particular significance to Bryning with Warton:

*SEO 1: Conserve, manage and enhance the river system and wetlands – including the Ribble Estuary – with their many associated drains, dykes and streams. This will improve water quality and supply, sustainably address flood risk management, and enhance biodiversity and the historic environment through a strategic, landscape-scale approach.*

*SEO 3: Promote the sense of place of the coastal and inland settlements, and protect the remaining rural character of the wider landscape from further loss and change from development pressures. Manage urban fringe development to ensure that it does not negatively impact the rural character of the area, and ensure that all development is of an appropriate type and scale. Provide good green infrastructure links to enhance people's enjoyment of and access to the varied landscapes and valuable recreational assets that the area provides.*

The Fylde Coastal Masterplan has identified Warton as within Zone 6 of the Coastal Way, Warton and Clifton. The objectives in the Masterplan for Warton:



- enhanced recreational opportunities, incorporating improved access along the estuary frontage including opportunities for walking, cycling, horse riding and bird watching,
- schemes should complement the objective to support the BAE systems enterprise zone at Warton.
- Undertake environmental improvements to the estuary frontage and local environment including any areas of unused, or underused land.

The Community Engagement Event identified that residents wish to protect and improve existing habitats for wildlife within and around the village.

During the consultation process residents also identified the importance of preserving older buildings of character around Bryning with Warton in order to retain links with its heritage. With one listed building in Bryning with Warton being 204 Lytham Road Grade II listed.

Bryning with Warton has a unique character with urban aspects around the village centre with very rural surroundings which must be protected.

The Fylde Coastal Masterplan identifies an action to enhance the local centre through public realm improvements to the village centre of Warton.

### **POLICY BWNE3 - DESIGN TO REDUCE SURFACE WATER RUN OFF**

The provision of sustainable urban drainage (SuDS) will be supported.

Where appropriate the design of new buildings and infrastructure should take account of existing topography to manage the flow of water along specific flow routes away from property and into appropriate storage facilities; and water attenuation facilities such as lagoons, ponds and swales should be provided.

Sustainable design of buildings which support rain water harvesting are supported. Storage of rain water for non-drinking water purposes such as watering gardens and flushing toilets is encouraged.

Areas of hard standing such as driveways and parking areas should be minimised and porous materials used where possible.

### **Background/Justification**

To minimise the risk of flooding and the risk of pollution to the wider network of watercourses designed to maximise the retention of surface water on the development site and to minimise runoff.



## **SECTION 5: PLAN DELIVERY & IMPLEMENTATION**

### **5.1 Approach**

The following summarises the Parish Council's approach to delivery and implementation in each of the key areas of action; each area directly addresses the key concerns identified by the community.

#### **Employment: (Policy BWE1)**

The Parish Council will work with organisations such as (the local Chamber of Commerce, Lancashire Enterprise Partnership), major employers and other local businesses to improve local employment opportunities. The creation of more individual business premises/ workshops within the Parish will be encouraged together with bringing existing brownfield sites into broader economic use.

#### **Transport and Infrastructure:**

The Parish Council will work with Fylde Borough Council, Lancashire County Council and developers to find ways to improve road safety, address speed and parking issues, improve bus services, and improve existing (and create new) cycle and pedestrian routes, thereby creating safer and easier movement within and around the village ("permeability" in planning speak).



## **Local & Community Facilities:**

### **(Policies BWLC1, BWLC2)**

The Parish Council will work with local organisations and the Borough Council to improve facilities and services for local people of all ages, creating a vital and vibrant community hub based on an enhanced and improved Village Centre. They will also work with Fylde Borough Council and others on the design strategy for the centre that has been identified in the Fylde Coastal Masterplan).

## **Natural Environment:**

### **(Policies BWNE1, BWNE2, BWNE3)**

The Parish Council will work with the local (Lancashire and Ribble) Wildlife Groups to ensure that wildlife and the countryside within and surrounding Bryning with Warton is protected, enhanced and made more accessible, such as the Ribble Estuary SSSI & Nature Reserve and the Lancashire Coastal Way. This includes working with FBC and multi agencies to improve the coastal footpath for cycling and walking as part of the Fylde Coastal Masterplan.

The Parish Council will work with landowners and stakeholders to ensure that new development is integrated sympathetically into the existing village, enhancing the sense of community and visual appearance of the village and surroundings.

## **5.2 MONITORING AND REVIEW OF THE PLAN**

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The Parish Council will ensure that this Neighbourhood Plan is actively managed over the plan period. The Plan will be reviewed periodically to ensure that it takes into account possible changes in national planning policy or to the Fylde Borough Council strategic planning policy framework. Responsibility for providing the leadership for the Bryning with Warton Neighbourhood Plan will rest with Bryning with Warton Parish Council.

Each Annual Parish Council meeting, after the Plan's adoption, will include a detailed report 'Updates to the Bryning with Warton Neighbourhood Plan'. This will monitor the progress of the Plan in the previous year and the likely implementation and impact of the Plan for the forthcoming year.

The Parish Council website [www.bryningwithwarton.org](http://www.bryningwithwarton.org) will carry an up to date report on progress with the Plan during its lifetime.

In 2020 and 2025 there will be thorough five year reviews of progress by a Steering Group which has a wider community base. The purpose of these reviews will be to guide the Parish Council in its stewardship of the Bryning with Warton Neighbourhood Plan, and to consider the need for proposing a review of, or amendment to the Plan to Fylde Borough Council.

In 2029 the Parish Council will again recruit a new Steering Group from within the community to undertake a review and decide on

the need for a subsequent Neighbourhood Plan and if so decided, to overview the development of the subsequent plan which would commence in 2032.



## SECTION 6: SUPPORTING INFORMATION AND EVIDENCE BASE

### 6.1 GLOSSARY OF TERMS

#### **Consultation Statement**

This sets out how the neighbourhood planning bodies have consulted with those who live, work and do business within the neighbourhood planning area.

#### **Consultation Bodies**

These are bodies which the local planning authority must consult if a planning application could affect their interests. For example, the Highways Agency must be consulted on applications that could affect a major road.

#### **Core Strategy or Local Plan**

Core Strategy is the name given to the high level strategic planning policy document for Fylde Borough Council, still in draft form, the previous version was adopted in 2005. It sets out a vision, objectives and detailed delivery policies for the Borough to 2030. The Bryning with Warton Neighbourhood Plan must be in conformity with the Core Strategy to 2031. The Core Strategy or Local Plan identifies where future development should take place to meet local needs for homes, businesses, shops and other services, as well as the infrastructure to support them. It also decides which areas should be protected from development because they are important to local people or have environmental or heritage qualities and should be conserved.

#### **Development Plan**

This is the legal term used to describe the set of planning policy documents which are used to determine planning applications within a particular area.



The Bryning with Warton Neighbourhood Plan will form part of the Development Plan for Fylde Borough Council, together with the Core Strategy and saved Local Plan policies.

### **Habitat Regulations Assessment**

An environmental assessment required by law to identify any impact on protected European sites protected for their flora, fauna, or birds.

### **Highway Authority**

They are responsible for producing the local transport plan and for managing existing or proposed new local roads in the area. In most places, the local highway authority is part of the county council, the metropolitan council or the unitary authority.

### **Infrastructure**

Basic services necessary for development to take place, for example, roads, electricity, sewerage, water, education and health facilities.

### **Local Development Scheme**

This sets out the documents that will make up the Local Plan, their subject matter, the area they will cover, and the timetable for their preparation and revision. Local planning authorities must prepare and maintain the Local Development Scheme, and publish up-to-date information on their progress.

### **Local Planning Authority**

The local government body responsible for formulating policies, controlling development and deciding on planning applications. This could be a borough council, unitary authority, metropolitan council or a National Park Authority.

### **Localism Act 2011**



A major piece of new legislation which includes wide ranging changes to local government, housing and planning. Included in this new Act is the introduction of Neighbourhood Development Plans.

### **Material Consideration**

A factor which will be taken into account when reaching a decision on a planning application or appeal. Under section 38 of the Planning and Compulsory Purchase Act 2004, decisions on planning applications 'must be made in accordance with the development plan unless other material considerations indicate otherwise'. The courts ultimately decide on what constitutes a material consideration. However, a case law gives local planning authorities a great deal of leeway to decide what considerations are relevant, and how much weight they should be given, each time they decide on a planning application. In practice, government planning policy is often the most important material consideration, other than the Development Plan. Government policy may override the Development Plan if it has been consulted on and published more recently.

### **National Planning Policy**

National planning policies that local planning authorities should take into account when drawing up Development Plans and other documents, and making decisions on planning applications. In the past these policies have been included in Planning Policy Guidance notes (PPGs) and Planning Policy Statements (PPSs). The Government has recently replaced existing guidance with a new National Planning Policy Framework.

### **Neighbourhood Development Plan, Neighbourhood Plans, or Neighbourhood Development Plans**

These were introduced by the Localism Act 2011. The term may also be used by some to refer to the Neighbourhood Development Orders, which were also introduced by the Localism Act 2011 and are a second tool to enable



neighbourhood planning. Communities will be able to prepare neighbourhood planning documents, outlining how they would like to see their area developing in the future.

### **Open Space**

Space that is of public value, including public landscaped areas, playing fields, parks and play areas, and also including not just land, but also areas of water such as rivers, canals, lakes and reservoirs, which can offer opportunities for sport and recreation or can also act as a visual amenity or a haven for wildlife.

### **Parish Council**

Parish councils are the tier of governance closest to the community. Around 30% of England's population is governed by a parish council, predominantly in rural areas. Parish councils are elected bodies and have powers to raise taxes. Their responsibilities vary, but can include provision of parks and allotments, maintenance of village halls, litter control and maintenance of local landmarks.

### **Public Open Space**

Urban space, designated by a council, where public access may or may not be formally established, but which fulfils or can fulfil a recreational or non-recreational role (for example, amenity, ecological, educational, social or cultural usages).

### **Ramsar Sites**

Wetlands of international importance, designated under the Ramsar Convention.

### **Section 106 Agreement**



A legal agreement under Section 106 of the 1990 Town & Country Planning Act. Section 106 agreements are legal agreements between a planning authority and a developer, or undertakings offered unilaterally by a developer, that ensure that certain extra works related to a development are undertaken.

### **Sustainability Appraisal**

This document assesses the economic, environmental and social impacts of a proposed policy or plan, to ensure that it would contribute to achieving sustainable development. Development Plan Documents (DPDs) have to undergo Sustainability Appraisal, but Supplementary Planning Documents (SPDs) do not.

## **6.2 ACKNOWLEDGEMENTS**

Acknowledgements and thanks are due to the following who all played a part in delivering this Neighbourhood Plan:

- Residents of Bryning with Warton and other contributors.
- Members of Bryning with Warton Parish Council Neighbourhood Plan Steering Group who took the lead in producing the Neighbourhood Plan.
- The Parish Clerk for being the Secretary to the Steering Group and for his support to the process.
- Officers of Fylde Borough Council for the support and advice they gave as the Neighbourhood Plan was developed.
- Kirkwells Planning Consultants.





## 6.3 REFERENCE DOCUMENTS

- Bryning with Warton Neighbourhood Plan – National and Local Planning Policy Assessment
- Bryning with Warton Neighbourhood Plan Sustainability Appraisal
- Bryning with Warton Sustainability Appraisal Scoping Report and Baseline
- Fylde Borough Council Preferred Options Local Plan to 2030 2014-2030
- Fylde Borough Council Local Plan Adopted 2005
- Localism Act 2011 – Department for Communities and Local Government
- Neighbourhood Planning Regulations 2012
- National Planning Policy Framework 2012
- National Planning Practice Guidance 2014
- Town and County Planning Act 1990 (Section 106 Planning Obligations)
- 2011 Census
- Assisted Area Status – Map 2014-2020
- BBC Doomsday Project
- Parish Poll
- Fylde Borough Council Employment Land and Premises Study
- Fylde Borough Council Coastal Masterplan
- Fylde Borough Council Open Space, Sports and Recreation Study/Assessment 2008
- Sustrans
- Natural England Character Areas – Lancashire Amounderness and Plains



# DECISION ITEM

REPORT OF		MEETING	DATE	ITEM NO
MANAGEMENT TEAM		DEVELOPMENT MANAGEMENT COMMITTEE	18 JANUARY 2017	5
BUDGET SETTING – FEES AND CHARGES 2017/18				

## PUBLIC ITEM

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

## SUMMARY

Each year, as part of the budget-setting process, the schedule of fees and charges for the coming year (for each of the services that the Council provides) is reviewed by budget-holders prior to that schedule being considered by the relevant Programme Committee and finally being approved at the March Budget Council meeting.

Each Programme Committee is required to recommend to the Council for approval a schedule of fees and charges for those activities within the remit of the Committee.

This report requests that Members consider the proposed schedule of fees and charges for those services within the remit of this committee as detailed at Appendix A to this report and provide a recommendation to Council in this regard.

Note: A full schedule of proposed fees and charges for all Council services for 2017/18 is accessible at the link below:

<http://www.fylde.gov.uk/council/finance/fees-charges/>

## RECOMMENDATION

**The Committee is requested to consider the schedule of fees and charges for those activities within the remit of this committee as detailed in Appendix A to this report and:**

1. To recommend to Council a proposed schedule of fees and charges applicable for 2017/18; and
2. To note that the final fees and charges for 2017/18 will be approved by the Budget Council in March 2017.

## SUMMARY OF PREVIOUS DECISIONS

The proposed fees and charges for services that are within the terms of reference of each programme committee are recommended to Council for approval as part of the annual budget-setting process. There have been no previous decisions in respect of these fees and charges for 2017/18.

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

## REPORT

- Each year, as part of the budget-setting process for the coming financial year, budget-holders are required to review the fees and charges that the Council applies to the range of services which it delivers.
- There are different considerations for assessing changes to the level of fees and charges depending upon the nature of the service. This is explained below:
  - For certain activities, for example some environmental health-related activities, fee levels are set by statute at a prescribed level. In respect of these types of activity the review of fees and charges is restricted to ensuring that the correct amount is approved by Council and is correctly applied for the forthcoming year;
  - For other types of charges in respect of services for which the Council has statutory responsibilities (for example in relation to licensing matters) fee levels must be set at an appropriate level such that only eligible costs are recovered. In respect of these types of activity the review of fees and charges comprises a review of costs and the adjustment of fees where necessary to avoid the under or over-recovery of costs. Where only minor discrepancies are found between costs and fee levels the charges may be left unchanged until the next review to avoid the costs associated with more regular leaflet re-printing etc.; and
  - For other activities which are not set by statute and for which the Council is not acting under statutory powers (e.g. games site fees) fee levels may be set at levels that are determined by the Council itself. In respect of these types of activity the review of fees and charges comprises a review of costs, a review of the fee levels of competitor providers and after a consideration of the likely effect on demand for the services and the total income that would be received at different fee levels.
- Fee levels for all services have been reviewed according to the differing criteria as described above and the Programme Committee is invited to consider and provide comments as appropriate.
- The role of the Council's Programme Committees in providing a recommendation to Council of a schedule of fees and charges for services within the remit of that committee is a key part of the budget-setting process for the coming year. The final schedule of fees and charges for all Council services will be considered by the Budget Council in March.

IMPLICATIONS	
Finance	The recommendation to Council of a schedule of proposed fees and charges for services within the remit of each Programme Committee is a key part of the budget-setting process for the coming year. This report requests that Members consider the schedule of fees and charges as detailed at Appendix A and provide a recommendation to Council as appropriate. Any financial implications from proposed changes to fees and charges will be quantified and reflected in the financial forecast contained in the final Medium Term Financial Strategy report to be considered by Budget Council in March 2017.
Legal	None arising directly from this report
Community Safety	None arising directly from this report
Human Rights and Equalities	None arising directly from this report
Sustainability and Environmental Impact	None arising directly from this report
Health & Safety and Risk Management	None arising directly from this report

LEAD AUTHOR	TEL	DATE	DOC ID
Management Team		December 2016	

#### Attached documents

Appendix A – Fees and Charges Schedule – Development Management Committee

## DRAFT - Fees and Charges Schedule 2017/18

## Appendix A

DEVELOPMENT MANAGEMENT COMMITTEE	VAT Code	Unit Of Charge	Variable Charge Discretionary (D) Prescribed (P)	Approved 2016/17 Fees & Charges £	DRAFT 2017/18 Fees & Charges £
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<b>Planning</b> <b>Pre-application Advice:</b> Large Scale Major Development Significant Major Development Small Scale Major Development Minor Development (A) Minor Development (B) Householder Meeting Householder Written Only (N.B the above charges relate to a revised scheme of charging introduced for 2016/17. Accordingly there are no comparative charges for 2015/16).  <b>Printing Charges:</b> <b>A4 Documents including Decision Notes, Completion Certificates and Plans:</b> Up to 14 Copies 15 Copies Further copies <b>A3 Documents including Plans:</b> Up to 7 Copies 8 Copies Further Copies <b>A combination of the above shall be treated on the basis of 10p per copy for A4 and 20p per copy for A3. When the trigger of £1.50 is reached in any combination charging should commence.</b>					
	a	Per Enquiry	D	1,000.00	<b>1,000.00</b>
	a	Per Enquiry	D	750.00	<b>750.00</b>
	a	Per Enquiry	D	500.00	<b>500.00</b>
	a	Per Enquiry	D	350.00	<b>350.00</b>
	a	Per Enquiry	D	250.00	<b>250.00</b>
	a	Per Enquiry	D	100.00	<b>100.00</b>
	a	Per Enquiry	D	50.00	<b>50.00</b>
	N/A	Up to 14 Copies	D	No Charge	<b>No Charge</b>
	a	15 Copies	D	2.00	<b>2.00</b>
	a	Per Copy	D	15p	<b>15p</b>
	N/A	Up to 7 Copies	D	No Charge	<b>No Charge</b>
	a	8 Copies	D	2.00	<b>2.00</b>
	a	Per Copy	D	25p	<b>25p</b>

### VAT Codes:

a = Standard Rate   c = Exempt   d = Outside Scope   e = Zero Rated

DEVELOPMENT MANAGEMENT COMMITTEE	VAT Code	Unit Of Charge	Variable Charge Discretionary (D) Prescribed (P)	Approved 2016/17 Fees & Charges £	DRAFT 2017/18 Fees & Charges £
<b>A2 Plans:</b>					
1 <sup>st</sup> Copy	a	1 <sup>st</sup> Copy	D	4.30	<b>4.30</b>
Additional Copies	a	Per Additional Copy	D	3.00	<b>3.00</b>
<b>A1 Plans:</b>					
1 <sup>st</sup> Copy	a	1 <sup>st</sup> Copy	D	8.50	<b>8.50</b>
Additional Copies	a	Per Additional Copy	D	5.75	<b>5.75</b>
<b>Publications:</b>					
Fylde Borough Local Plan to 2032 Revised Preferred Option	e	Per document	D	50.00	<b>50.00</b>
Fylde Borough Local Plan As Altered 2005	e	Per document	D	46.00	<b>46.00</b>
Postage	c	Per document		0.50	<b>0.50</b>
Housing Land Availability	e	Per document	D	15.50	<b>15.50</b>
Postage	c	Per document		1.00	<b>1.00</b>
2002 Housing Needs Survey	e	Per document	D	51.00	<b>51.00</b>
Postage	c	Per document		3.00	<b>3.00</b>
Interim Housing Policy	e	Per document	D	-	-
Postage	c	Per document		-	-
House Extending Your Home	e	Per document	D	30.00	<b>30.00</b>
Postage	c	Per document		0.50	<b>0.50</b>
Strategic Housing Land Availability Assessment	e	Per document	D	3.30	<b>3.30</b>
Postage	c	Per document		0.50	<b>0.50</b>

**VAT Codes:**

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DEVELOPMENT MANAGEMENT COMMITTEE	VAT Code	Unit Of Charge	Variable Charge Discretionary (D) Prescribed (P)	<u>Approved</u> 2016/17 Fees & Charges £	<b>DRAFT</b> 2017/18 <b>Fees &amp; Charges £</b>
Land at Wesham Hospital	e	Per document	D	2.20	<b>2.20</b>
Postage	c	Per document		0.50	<b>0.50</b>
Land at Queensway	e	Per document	D	2.20	<b>2.20</b>
Postage	c	Per document		0.50	<b>0.50</b>
Queen Mary School	e	Per document	D	5.50	<b>5.50</b>
Postage	e	Per document		0.50	<b>0.50</b>
Windows Doors and Architectural Joinery	e	Per document	D	5.50	<b>5.50</b>
Postage	c	Per document		0.50	<b>0.50</b>
Wimbourne Stables	e	Per document	D	2.20	<b>2.20</b>
Postage	c	Per document		0.50	<b>0.50</b>
Policy for Shop Front Design Guide	e	Per document	D	3.30	<b>3.30</b>
Postage	c	Per document		0.50	<b>0.50</b>
606 Clifton Drive North (Revised Development Brief)	e	Per document	D	2.20	<b>2.20</b>
Postage	c	Per document		0.50	<b>0.50</b>
Land at Weeton Road, Wesham	e	Per document	D	2.20	<b>2.20</b>
Postage	c	Per document		0.50	<b>0.50</b>
The Conversion of Fylde's Traditional Farm Buildings	e	Per document	D	3.30	<b>3.30</b>
Postage	c	Per document		0.50	<b>0.50</b>
Any document not included in the above list will be charged at the relevant charge per page as set out above					

**VAT Codes:**

**a** = Standard Rate   **c** = Exempt   **d** = Outside Scope   **e** = Zero Rated

DEVELOPMENT MANAGEMENT COMMITTEE	VAT Code	Unit Of Charge	Variable Charge Discretionary (D) Prescribed (P)	Approved 2016/17 Fees & Charges £	DRAFT 2017/18 Fees & Charges £
<p><b><u>Planning Fees</u></b></p> <p>Planning fees are charged at the national rates which are established and set by the Government.</p> <p><a href="http://www.fylde.gov.uk/assets/files/3475/PlanningAppFees.pdf">http://www.fylde.gov.uk/assets/files/3475/PlanningAppFees.pdf</a></p>					
<p><b><u>Building Control</u></b></p> <p>Standard charge for erection or conversion of dwelling houses up to 300m2 and up to 3 storeys</p>					
1 dwelling	a	Per application	D	690.00	<b>690.00</b>
2 dwellings	a	Per application	D	930.00	<b>930.00</b>
3 dwellings	a	Per application	D	1,170.00	<b>1,170.00</b>
4 dwellings	a	Per application	D	1,410.00	<b>1,410.00</b>
5 dwellings	a	Per application	D	1,650.00	<b>1,650.00</b>
Erection or conversion of 6 or more dwellings or flats	a	Per application	D	Negotiated fee	<b>Negotiated fee</b>
Erection of dwellings or flats where the total floor area exceeds 300m2	a	Per application	D	Negotiated fee	<b>Negotiated fee</b>
<p><b>Standard charges for extensions to existing dwellings</b></p>					
Extension with floor area not exceeding 10m2	a	Per application	D	375.00	<b>375.00</b>
Extension with floor area exceeding 10m2, but not exceeding 40m2	a	Per application	D	475.00	<b>475.00</b>
Extension with floor area exceeding 40m2, but not exceeding 80m2	a	Per application	D	650.00	<b>650.00</b>
Loft conversion up to 40m2 that does not include a dormer window	a	Per application	D	375.00	<b>375.00</b>

**VAT Codes:**

a = Standard Rate   c = Exempt   d = Outside Scope   e = Zero Rated

DEVELOPMENT MANAGEMENT COMMITTEE	VAT Code	Unit Of Charge	Variable Charge Discretionary (D) Prescribed (P)	Approved 2016/17 Fees & Charges £	DRAFT 2017/18 Fees & Charges £
<b>Standard charges for extensions to existing dwellings continued:</b>					
Loft conversion up to 40m2 that includes a dormer window	a	Per application	D	475.00	<b>475.00</b>
Erection or extension of a detached or attached domestic garage not exceeding 40m2	a	Per application	D	275.00	<b>275.00</b>
Erection or extension of a detached or attached domestic garage or carport with floor area exceeding 40m2, but not exceeding 80m2	a	Per application	D	375.00	<b>375.00</b>
Conversion of domestic garage to habitable room	a	Per application	D	325.00	<b>325.00</b>
Notifiable electrical work carried out by a non-competent person (i.e. not Part P registered)	a	Per application	D	250.00	<b>250.00</b>
Reversion work from an approved inspector	a	Per application	D	Negotiated Fee	<b>Negotiated Fee</b>
Building work in relation to more than one building	a	Per application	D	Negotiated Fee	<b>Negotiated Fee</b>
Extension to a dwelling where floor area exceeds 80m2	a	Per application	D	Negotiated Fee	<b>Negotiated Fee</b>
Loft conversion (with or without a dormer) to a dwelling where floor area exceeds 40m2	a	Per application	D	Negotiated Fee	<b>Negotiated Fee</b>
Garage or carport where floor area exceeds 60m2	a	Per application	D	Negotiated Fee	<b>Negotiated Fee</b>
Regularisation of any work which would normally be subject to an individual charge/negotiated fee	e	Per application	D	Minimum 120%	<b>Minimum 120%</b>
<b>Standard charges to other works to dwellings:</b>					
Renovation of a thermal element of a single dwelling or flat	a	Per application	D	150.00	<b>150.00</b>
Renovation of a thermal element to more than one dwelling or flat	a	Per application	D	Negotiated Fee	<b>Negotiated Fee</b>
Replacement windows (multi flat or single dwelling , up to 20 windows)	a	Per application	D	100.00	<b>100.00</b>
Replacement of more than 20 windows	a	Per application	D	Negotiated Fee	<b>Negotiated Fee</b>
Internal alterations (Incl. structural) and installation of fittings other than electrical work	a	Per application	D	Negotiated Fee	<b>Negotiated Fee</b>

**VAT Codes:**

a = Standard Rate   c = Exempt   d = Outside Scope   e = Zero Rated



DEVELOPMENT MANAGEMENT COMMITTEE	VAT Code	Unit Of Charge	Variable Charge Discretionary (D) Prescribed (P)	Approved 2016/17 Fees & Charges £	DRAFT 2017/18 Fees & Charges £
<b>Standard charges to other works to dwellings continued</b>					
Fixed price based on cost of work:					
Up to £5,000	a	Per application	D	200.00	<b>200.00</b>
£5,000 to £10,000	a	Per application	D	300.00	<b>300.00</b>
£10,000 to £20,000	a	Per application	D	400.00	<b>400.00</b>
£20,000 to £30,000	a	Per application	D	500.00	<b>500.00</b>
£30,000 to £40,000	a	Per application	D	600.00	<b>600.00</b>
£41,000 to £100,000	a	Per application	D	72.00 per £10k	<b>72.00 per £10k</b>
£101,000 to £1,000,000	a	Per application	D	48.00 per £10k	<b>48.00 per £10k</b>
<b>Electrical Work</b>					
Electrical work other than a rewire	a	Per application	D	Negotiated fee	<b>Negotiated fee</b>
Rewire of a dwelling including new consumer unit	a	Per application	D	Negotiated fee	<b>Negotiated fee</b>
<b>Standard charges for work to non-domestic buildings:</b>					
<b>Extensions and new buildings (commercial)</b>					
Not Exceeding 10m2 (industrial and storage)	a	Per application	D	300.00	<b>300.00</b>
Not exceeding 10m2 (other use classes)	a	Per application	D	350.00	<b>350.00</b>
Between 10m2 and 40m2 (industrial and storage)	a	Per application	D	400.00	<b>400.00</b>
Between 10m2 and 40m2 (other use classes)	a	Per application	D	500.00	<b>500.00</b>
Exceeding 40m2	a	Per application	D	Negotiated fee	<b>Negotiated fee</b>

**VAT Codes:**

a = Standard Rate   c = Exempt   d = Outside Scope   e = Zero Rated

DEVELOPMENT MANAGEMENT COMMITTEE	VAT Code	Unit Of Charge	Variable Charge Discretionary (D) Prescribed (P)	Approved 2016/17 Fees & Charges £	DRAFT 2017/18 Fees & Charges £
<b>Standard charges for work to non-domestic buildings continued</b>					
<b>All other work and alterations to non-domestic buildings</b>					
Window replacement (up to 20 windows)	a	Per application	D	150.00	<b>150.00</b>
Window replacement (over 20 windows)	a	Per application	D	Negotiated fee	<b>Negotiated fee</b>
Renovation of a thermal element (cost up to £20,000)	a	Per application	D	150.00	<b>150.00</b>
Renovation of a thermal element (cost over £20,000)	a	Per application	D	Negotiated fee	<b>Negotiated fee</b>
Alterations and works not described elsewhere, including structural, shop and office fit-out and installation of controlled fittings. Based on cost of works:					
Up to £5,000	a	Per application	D	250.00	<b>250.00</b>
£5,000 to £10,000	a	Per application	D	300.00	<b>300.00</b>
£10,000 to £20,000	a	Per application	D	360.00	<b>360.00</b>
£20,000 to £30,000	a	Per application	D	450.00	<b>450.00</b>
£30,000 to £40,000	a	Per application	D	600.00	<b>600.00</b>
£41,000 to £100,000	a	Per application	D	72.00 per £10k	<b>72.00 per £10k</b>
£101,000 to £1,000,000	a	Per application	D	48.00 per £10k	<b>48.00 per £10k</b>
<b>Miscellaneous Charges</b>					
Re-open an archive file	a	Per file	D	60.00	<b>60.00</b>
Research and retrieval of manual records (other than for search records)	a	Per file	D	36.00	<b>36.00</b>
Copy Decision Notices and Completion certificates	a	Per Notice	D	20.00	<b>20.00</b>

**VAT Codes:**

a = Standard Rate   c = Exempt   d = Outside Scope   e = Zero Rated

DEVELOPMENT MANAGEMENT COMMITTEE	VAT Code	Unit Of Charge	Variable Charge Discretionary (D) Prescribed (P)	<u>Approved</u> 2016/17 Fees & Charges £	<b>DRAFT</b> <b>2017/18</b> <b>Fees &amp; Charges £</b>
<p><b>NOTES:</b></p> <ol style="list-style-type: none"> <li>1) Where a negotiated fee is indicated factors such as design brief, competency, build duration, service level agreement, number of units/dwellings and type of construction are factored in to provide the individual charge.</li> <li>2) Where works are of estimated cost value and are being carried out simultaneously as a standard charge item for extensions to an existing dwelling the fee shall be reduced by 50%.</li> <li>3) Where a person is registered disabled and the proposals are for the benefit of that person the application is exempt from charge.</li> </ol>					

**VAT Codes:**

**a** = Standard Rate    **c** = Exempt    **d** = Outside Scope    **e** = Zero Rated

# INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
MANAGEMENT TEAM	DEVELOPMENT MANAGEMENT COMMITTEE	18 JANUARY 2017	6
<b>BUDGET SETTING – REVENUE BUDGET 2017/18 - FIRST DRAFT</b>			

## PUBLIC ITEM

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

## SUMMARY OF INFORMATION

The first draft of the revenue budget for 2017/18 has been prepared and is available via the link below. As in previous years, the budget has been prepared on a continuation basis and has been updated to reflect all Committee and Council decisions made to date, the outcome of the budget-rightsizing exercise and all virements.

**SOURCE OF INFORMATION:** Revenue Budget Book 2017/18 – First Draft

## LINK TO INFORMATION

<http://www.fylde.gov.uk/council/finance/first-draft-budget-book-2017-18/>

## WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The provision of a first draft of the 2017/18 Revenue Budget to the Council's Programme Committees is referenced within the Timetable for Developing Budget Proposals 2017/18 report which was approved by the Finance and Democracy Committee at the meeting of 26th September 2016.

This allows members of each Programme Committee to review the draft revenue budget for the services within the Committee's terms of reference and to provide any comments or feedback as appropriate to the committee lead officer, service Director or budget holders.

This first draft does not reflect any changes to fees and charges for 2017/18 as these will be considered by Programme Committees during the January cycle of meetings. Nor does it reflect any revenue growth items or the revenue implications of capital bids. A further budget-rightsizing exercise will be carried out early in 2017 and this first draft will be updated to reflect any changes arising from that piece of work.

The final revenue budget for 2017/18 will include any subsequent decisions made and will be presented to Members for approval at the Council meeting on 2<sup>nd</sup> March 2017.

**FURTHER INFORMATION:** Contact: Paul O'Donoghue, Chief Financial Officer.

Telephone: 01253 658566

e-mail: paul.o'donoghue@fylde.gov.uk

# INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
MANAGEMENT TEAM	DEVELOPMENT MANAGEMENT COMMITTEE	18 JANUARY 2017	7
GENERAL FUND REVENUE BUDGET MONITORING REPORT 2016/17 - POSITION AS AT 30 <sup>th</sup> NOVEMBER 2016			

## PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The purpose of this report is to provide an update of the Council's General Fund (GF) Revenue Budget as at 30<sup>th</sup> November 2016 and specifically for those areas under the Committee's remit.

### SOURCE OF INFORMATION

Chief Financial Officer – the report is based upon information extracted from the Council's financial ledger system for the period to 30<sup>th</sup> November 2016.

### LINK TO INFORMATION

General Fund Revenue Budget monitoring Report to 30<sup>th</sup> November 2016:

<https://www.fylde.gov.uk/revenuenovember2016/>

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

This information is provided to enable the committee to consider and scrutinise periodic revenue budget monitoring reports for those areas under the committee's remit.

### FURTHER INFORMATION

Contact: Paul O'Donoghue (Chief Financial Officer)

Tel: 01253 658566

e-mail: paul.o'donoghue@fylde.gov.uk

# GENERAL FUND REVENUE BUDGET MONITORING REPORT 2016/17 –

## POSITION AS AT 30<sup>TH</sup> NOVEMBER 2016

### Summary

The purpose of this report is to provide an update on the Council's General Fund Revenue Budget as at 30<sup>th</sup> November 2016. The report includes a narrative description of the most significant variances from the profiled latest budget and details any actions required to address these. Appendix A to this report shows the value of the most significant variances (those in excess of £5k) for all of the Council services by Committee and provides a brief explanation for each variance.

### 1. Background

- 1.1 The Council operates a system of Revenue Budget Monitoring which revolves around the production of detailed monthly monitoring reports for budget holders. Significant variances from the expected budget position at the point of monitoring, both for expenditure and income, are summarised in monitoring reports which are periodically reported to each Programme Committee for information purposes. This report therefore details the findings and issues emerging from budget monitoring carried out to 30<sup>th</sup> November 2016.
- 1.2 It should be noted that work continues on improving budget profiling across the Council in order that budget profiles more accurately reflect the spending pattern of individual budgets across the financial year. This serves to enhance budget monitoring and focus attention on true variances rather than budget profiling issues. This is a continuous process with budget holders so that the improved profiling continues to refine the budget monitoring system.
- 1.3 Council approved the 2016/17 budget at its meeting on 2<sup>nd</sup> March 2016. Subsequently on 20<sup>th</sup> June 2016 the Finance and Democracy Committee approved the Council's outturn position for 2015/16. The impact of those approvals, including savings and growth options approved at Council and slippage from 2015/16 approved by the Finance and Democracy Committee, are now reflected in the Council's financial ledger.

### 2. Budget Rightsizing Exercise

- 2.1 Since 2011 an annual budget rightsizing exercise has been undertaken to analyse underspends which have occurred over the last 3 financial years and to adjust current and future year budgets to better reflect the level of resource requirement in the context of current financial constraints. This process was undertaken during the autumn of 2016 and the resulting changes to budgets were reflected in the revised Financial Forecast that was presented to the Council in December 2016. These amendments have also now been reflected in the Council's financial ledger. Therefore this report monitors expenditure and income against the updated approved budgets.

### 3. Budget Areas to Note

As would be expected, because monitoring is being undertaken as a comparison to recently revised budgets, there are only a small number of variances from that revised position to note. The main variances are described below:

#### i. Employee Costs

The budget forecast which was approved by Budget Council in March 2016 assumed reduced payroll costs as a result of 'turnover savings' (delays in the recruitment to vacant posts) of £200k per annum from 2016/17 onwards. The actual savings achieved in relation to direct employee costs for the current year are significantly in excess of this level and consequently the target for the current year was increased to £310k as part of the revised Financial Forecast that was presented to the Council in December 2016. As compared to this revised target the position as at November 30<sup>th</sup> is a further favourable variance of £39k. This budget will be kept under review during the remainder of the financial year.

#### ii. Council Tax Costs Recovered

Income is in excess of the budget due to additional court summonses being issued in the first part of the year in respect of Council Tax debts. In 2015/16 there was a reduction in the number of such cases whilst

a legal challenge (to Haringey Council specifically but by extension to all councils in this matter) was resolved. A favourable outturn variance is anticipated.

### **iii. Planning Application Fee Income**

The authority has continued to receive a number of large scale planning applications that have attracted significant application fees. The number of individual planning applications received this year is also notably higher than recent years. This budget will be kept under review during the remainder of the financial year. At this stage a favourable outturn variance is anticipated.

### **iv. Planning Appeal Hearing Costs**

The number of planning inquiries expected in the year has reduced as a result of the method of hearing the appeal being revised or a revised application being approved thereby removing the need for the appeal to proceed. A number of appeals have been delayed and will be heard later in 2017. This budget will be kept under review during the remainder of the financial year. At this stage a favourable outturn variance is anticipated.

### **v. Car Parking Income**

Income levels across most car parks are in excess of the budget, and are also higher than in previous years, as a result of mostly favourable weather during key periods of the season. A favourable outturn variance is anticipated and the budgets in respect of future years will be adjusted to reflect increased income expectations.

## **4. Conclusions**

- 4.1 The updated financial forecast as presented to the Council in December 2016 is an improved position from that considered by the Budget Council in March 2016. The current position is a forecast surplus in the current year and in 2017/18, with deficits in 2018/19 and beyond, albeit at a reduced level since the budget was set. A significant factor in the improved position is the forecast increase in funding receivable from the Business Rate Retention Scheme, including the impact of joining the Lancashire Business Rate Pool in 2017/18.
- 4.2 In light of the budget challenges that will need to be addressed in the later years of the forecast, the Council needs to continue with the approach to delivering savings and efficiencies which have helped deliver balanced budgets and contribute to reserves over recent years. Through continued focus on the importance of financial stability the Council has delivered a significant savings programme since 2007 and has continued to significantly reduce senior management costs and other overheads. Ongoing modernisation work and business improvement will continue to make Council services more efficient, save money and maintain frontline services to customers. This work has yielded ongoing savings to help improve the Council's overall financial position over that period.
- 4.3 Finance staff work continuously with budget holders across the Council, and are heavily reliant upon budget-holders to be able to understand and quantify the potential impact of in-year hotspot variances within their areas of responsibility.
- 4.4 Regular budget monitoring reports such as this one are an integral part of the Council's financial monitoring framework. These are made available on the Councils website.

**REVENUE MONITORING 2016/17 - Period 8 to November 30th 2016 (Variances in excess of £5k)**

Key

<b>BLUE</b>	Variance currently showing but expected to be on target at year end
<b>GREEN</b>	Possible Favourable Outturn Variance
<b>AMBER</b>	Possible Adverse Outturn Variance
<b>RED</b>	Projected Adverse Outturn Variance

Service Area	Detailed Description	Full Year Budget	Budget as at Period 8	Actual & Commitments as at Period 8	Variance as at Period 8	FAV / ADV	Variance	Alert	Budget Holder Comments
		£	£	£	£		%		
<b>FINANCE &amp; DEMOCRACY COMMITTEE / CORPORATE CROSS CUTTING BUDGETS</b>									
All Council services	Employee costs including basic pay, pension, NI, and overtime, plus agency costs	8,275,520	5,447,616	5,408,307	-39,309	FAVOURABLE	-0.7%	GREEN	The budget forecast which was approved by Budget Council in March 2016 assumed reduced payroll costs as a result of 'turnover savings' (delays in the recruitment to vacant posts) of £200k per annum from 2016/17 onwards. The actual of savings achieved in relation to direct employee costs for the current year to date is in excess of this level and consequently the target for the current year was increased to £310k as part of the revised Financial Forecast that was presented to the Council in December 2016. As compared to this revised target the position as at November 30th is a further favourable variance of £39k. This budget will be kept under review during the remainder of the financial year. At this stage a favourable outturn variance is anticipated.
Council Tax Collection Costs	Council Tax Costs Recovered	-150,000	-100,020	-167,303	-67,283	FAVOURABLE	-67.3%	GREEN	Income is in excess of the budget due to additional court summonses being issued in the first part of the year in respect of Council Tax debts. In 2015/16 there was a reduction in the number of such cases whilst a legal challenge (to Haringey Council specifically but by extension to all councils in this matter) was resolved. A favourable outturn variance is anticipated.
<b>DEVELOPMENT MANAGEMENT COMMITTEE</b>									
Development Management	Planning Application Fees	-700,000	-613,400	-625,533	-12,133	FAVOURABLE	-2.0%	GREEN	The authority has continued to receive a number of large scale planning applications that have attracted significant application fees. The number of individual planning applications received this year is also notably higher than recent years. This budget will be kept under review during the remainder of the financial year. At this stage a favourable outturn variance is anticipated.
Planning Appeals	Planning Appeal Hearing Costs	100,000	42,922	30,020	-12,902	FAVOURABLE	-30.1%	GREEN	The number of planning inquiries expected in the year has reduced as a result of the method of hearing the appeal being revised or a revised application being approved thereby removing the need for the appeal to proceed. A number of appeals have been delayed and will be heard later in 2017. This budget will be kept under review during the remainder of the financial year. At this stage a favourable outturn variance is anticipated.



**REVENUE MONITORING 2016/17 - Period 8 to November 30th 2016 (Variances in excess of £5k)**
**Key**

<b>BLUE</b>	Variance currently showing but expected to be on target at year end
<b>GREEN</b>	Possible Favourable Outturn Variance
<b>AMBER</b>	Possible Adverse Outturn Variance
<b>RED</b>	Projected Adverse Outturn Variance

Service Area	Detailed Description	Full Year Budget	Budget as at Period 8	Actual & Commitments as at Period 8	Variance as at Period 8	FAV / ADV	Variance	Alert	Budget Holder Comments
		£	£	£	£		%		
<b>ENVIRONMENT HEALTH &amp; HOUSING COMMITTEE</b>									
Residential Park Homes Licensing	Mobile Homes - Annual Licence Fee	-	-	-6,315	-6,315	FAVOURABLE		<b>GREEN</b>	This income arising from the introduction of a new fee new fee for this licence from 2016/17. A favourable outturn variance is anticipated and the budget in respect of future years will be adjusted to reflect this income.
<b>OPERATIONAL MANAGEMENT COMMITTEE</b>									
Car Parks	Car Parking Fees	-544,852	-414,096	-478,230	-64,134	FAVOURABLE	-15.5%	<b>GREEN</b>	Income levels across most car parks are in excess of the budget, and are also higher than in previous years, as a result of mostly favourable weather during key periods of the season. A favourable outturn variance is anticipated and the budgets in respect of future years will be adjusted to reflect increased income expectations.
Computer Services	Purchase of Computer Equipment	108,432	70,136	59,878	-10,258	FAVOURABLE	-14.6%	<b>BLUE</b>	The IT team have had a number of staffing vacancies during the year which has resulted in the rescheduling of expenditure into the latter part of the financial year. It is currently anticipated that the remaining budget will be fully spent by year end in delivering corporate priorities around IT.
	Computer - Other Expenditure	53,644	35,768	16,482	-19,286	FAVOURABLE	-53.9%		

# INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
MANAGEMENT TEAM	DEVELOPMENT MANAGEMENT COMMITTEE	18 JANUARY 2017	8
<b>CAPITAL PROGRAMME MONITORING REPORT 2016/17 - POSITION AS AT 30<sup>th</sup> NOVEMBER 2016</b>			

## PUBLIC ITEM

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

## SUMMARY OF INFORMATION

The purpose of this report is to provide an update of the Council's approved Capital Programme as at 30<sup>th</sup> November 2016 and specifically for those schemes under the Committee's remit.

## SOURCE OF INFORMATION

Chief Financial Officer – the report is based upon information extracted from the financial ledger system for the period to 30<sup>th</sup> November 2016.

## LINK TO INFORMATION

Capital Programme Monitoring 2016/17 as at 30<sup>th</sup> November 2016:

<https://www.fylde.gov.uk/capitalnovember2016/>

## WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

This information is provided to enable the committee to consider and scrutinise the latest position on the Council's approved Capital Programme for those schemes under the committee's remit.

## FURTHER INFORMATION

Contact: Paul O'Donoghue (Chief Financial Officer)

Tel: 01253 658566

## **CAPITAL PROGRAMME MONITORING REPORT 2016/17 – POSITION AS AT 30<sup>TH</sup> NOVEMBER 2016**

### **Summary**

The purpose of this report is to provide an in-year progress update in respect of those schemes within the Capital Programme that have been approved for delivery in 2016/17, together with an update on the Council's overall Five Year Capital Programme. This report includes a narrative description of the most significant risks to the Capital Programme and details any actions required to address these. Appendix A to this report provides an update by Committee on schemes scheduled for commencement or delivery in 2016/17. Appendix B provides a summary of the latest position for the 5 year Capital Programme and Appendix C provides details of the financing of the programme.

### **1. Background**

The Council approved the Capital Programme on 2<sup>nd</sup> March 2016. That update showed a balanced capital programme position from 2016/17 onwards. This report includes year to date expenditure and sets out the latest phasing of the programme and any additions or changes since the capital programme was presented to Council in March 2016. The Programme has also been rolled forward to include the year 2020/21.

### **2. Notes on Specific Schemes**

There are a number of schemes for which further information is provided below:

#### **(i) Accommodation Project**

Phase 3 of the project (the east wing refurbishment) was completed during the summer of 2016. Phases 4 and 5 (the Chaseley Link Bridge and One Stop Shop) were completed in November 2016. The new one stop shop and call centre are now operational.

A report was approved by Finance & Democracy on 26th September 2016 for a £194,000 fully funded budget increase to Phases 6 & 7 to the capital programme in 2016/17 and also recommended to Council that monies from earmarked reserves totalling £518k (Land Charges New Burdens - £28k, Vehicle Maintenance Reserve - £127k, Vehicle Replacement Financing Reserve - £212k and General Fund Reserves - £151k) fund all of Phase 6 (£363k) and part of Phase 7 (£155k of the total £475k).

In December 2016 Council approved a further transfer to the Accommodation Project Reserve of £320k to be funded from favourable in-year budget variances, such that there would then be sufficient funds for the completion of the project up to phase 7.

Regular update reports on the project will continue to be provided to Members. Phases 6 and 7a works have commenced. The project is due for completion up to phase 7 during the early part of 2017/18.

#### **ii) Coast Protection Scheme**

The Strategic Appraisal Report for the Fylde Shoreline Strategy was approved by the Environment Agency's Large Project Review Group (LRPG) in January 2014 and included the replacement of sea defences at Fairhaven and Church Scar. Following this approval further funding was released by DEFRA and Cabinet approved spend for a Coastal Headland Study Project Appraisal Report (PAR) in the sum of £175k with a further £95k awarded in August 2016, fully funded from DEFRA resources. The PAR report was submitted for approval by the Environment Agency's LRPG on the 6th August 2015. Following a number of queries and points of clarification the Project Appraisal report has been approved.

The next stage is the preliminary detailed, customer led design of the new sea walls and involves gaining the necessary approval for the work to progress, planning permission, Marine Management Organisation licence,

environmental impact assessment and appropriate assessment with regards to the potential to disturb overwintering birds during construction. Once these approval are obtained it will unlock funding for both Fairhaven Lake and Church Scar sea defence construction schemes.

The overall cost of the Fairhaven and Church Scar Coast Protection Scheme within the Capital Budget is £16.5m including a contribution from Fylde Council of £400k. The DEFRA funding spans the years 2016/17 to 2018/19. Fylde Council's contribution of £400k towards sea wall development works is fully-funded from the Capital Investment Reserve. Following annual review of the Environment Agency's Medium Term Plan (MTP) the project funding has been reviewed and re-phased as follows 2016/17 £1.4m, 2017/18 £13m, 2018/19 £5.825m. The total project cost is now calculated as £20.225m, including the contribution from Fylde Council of £400K. We have now received confirmation of these revised scheme costings and consequently this will be reflected in a future updated MTFS. Further re-phasing of the expenditure profile between the years is likely to be required as the scheme progresses and the capital programme will be updated accordingly and reported to members.

### **(iii) Disabled Facilities Grants (DFGs)**

As local housing authority, the Council has a statutory duty to provide disabled adaptations within the Borough. In order to fund these works the Council receives grant support which previously was provided by the Department for Communities and Local Government (DCLG).

As part of the 2013 Spending Round review the Government established the 'Better Care Fund', with the intention of "providing an opportunity to transform local services so that people are provided with better integrated care and support". Under these new arrangements from 2015/16 onwards the funding for Disabled Facilities Grants (DFGs) transferred to the Department of Health, with funding being distributed to all Councils via the upper-tier authority for that area. As such, in Lancashire the fund will be administered by Lancashire County Council. Each upper-tier authority then allocates the funding to their respective housing authorities (i.e. district councils within their area) to enable them to continue to meet this statutory responsibility.

This Council has previously made a decision to limit DFG expenditure to the level of the funding received for this purpose. In order to monitor the level of demand upon this resource the number of applications on the various categories of waiting lists and the periods of waiting time for DFG's are closely monitored and are reported to Members as appropriate.

The Capital Programme includes annual provision for DFG's at the level of the 2015/16 grant allocation from 2017/18 onwards - £468k. However for this year 2016/17 the allocation has been confirmed and a report was presented to Council 4th July 2016 due to a significant increased DFG allocation via the Better Care Fund totalling £849k. For 2017/18 onwards the figures in the programme are estimates and will only be confirmed in the year they are due. For as long as DFG works remains a statutory obligation the grant is unlikely to be withdrawn by the Government but could be reduced.

Following the review of processes for delivering DFG's and the significant increase in funding it has been possible to make progress with reducing the waiting list to 8 cases (Dec 16), from a high of 80 cases (April 2015). Whilst the significant increase in grant is to be welcomed it is unlikely to be fully spent within this financial year due to the backlog in assessments by the Occupational Therapy Service. The OT Service has pledged to appoint additional resources over the coming months to reduce the backlog of cases. Once further cases are processed by the OT Service this will likely lead to higher demand for DFG's than currently.

Any changes in DFG income received by the Council will have a direct impact on the level of works that can be undertaken. There is also a direct revenue implication on DFG fees which would also have to be adjusted.

### **(iv) Project Slippage**

Areas of slippage must be addressed in future years to ensure that no loss of external grant is imposed due to conditions associated within specified timescales.

### **(v) Other Capital Receipts**

The approved programme for 2016/17 onwards assumes “Right to Buy” receipts of £25k per annum and “General Asset Sales” of £45k per annum. Future receipts are dependent on prevailing market conditions and values cannot be predicted with certainty. This will be monitored and reviewed during the year and adjusted accordingly in future monitoring reports, along with the impact this may have on the financing of the programme.

**(vi) Capital Investment in St. Annes Pool**

As part of the arrangement with the YMCA for the operation of the pool, the Council undertook to provide Capital support in the event of major works, repair or breakdown and a provision of £153k was included in the programme for this eventuality. There is now a remaining capital resource of £93k in 2016/17. The plant and equipment at St Annes Swimming Pool is in need of replacement and a 5 year replacement programme is currently being developed which will be presented to committee in 2017/18. There is a risk that this remaining resource is insufficient to meet future capital expenditure needs for the facility.

### **3 Conclusions**

- 3.1 Actual expenditure to 30<sup>th</sup> November 2016 is £2.305m against an updated full year budget of £9.355m. This equates to approximately 25% of the full year budget. The expenditure on a number of schemes is phased later during the financial year and there is usually a period of time that elapses between the completion of schemes and the final settlement of all invoices.
- 3.2 The current Capital Programme as updated is showing a balanced position for 2016/17 onwards. The Capital Programme and the associated financing will be subject to discussion with Members during the months in the lead up to the annual budget setting process for 2017/18.
- 3.3 Any additional expenditure which is not fully funded by external finance would normally require the generation of capital receipts or further borrowing (the latter placing further pressure on the Revenue Budget from the consequent repayment costs). However Budget Council on 4<sup>th</sup> March 2013 approved the creation of a Capital Investment Reserve to finance future capital expenditure. The balance of this reserve at 31<sup>st</sup> March 2016 was £2.275m. However all of this is committed to deliver approved schemes in the years 2016/17 to 2019/20 and there is presently no funding available within this reserve for additional future projects. Whilst it remains the case that this reserve is the preferred source of finance for any further additions to the Capital Programme in future years, additional contributions to the reserve would be required in order to create such a funding source.

**CAPITAL PROGRAMME - 2016/17 IN-YEAR SCHEME MONITORING REPORT - AS AT 30/11/16**
**Appendix A**

APPROVED SCHEMES	Financing Source	Approved Budget 2016/17 £000	Slippage B/F from 2015/16 £000	Adjustments from 03/03/16 £000	Updated Budget 2016/17 £000	Expenditure to 30/11/16 £000	Variance £000	Comments
<b><u>FINANCE &amp; DEMOCRACY COMMITTEE</u></b>								
Accommodation Project - Phase 3, 4 & 5 - East Wing Inc. Lift, Chaseley Link Bridge and One Stop Shop	Proceeds from the sale of surplus Council Assets, and the Accommodation Project Reserve	784	19		803	750	53	Phase 3 of the project (the east wing refurbishment) was completed during the summer of 2016. Phases 4 and 5 (the Chaseley Link Bridge and One Stop Shop) were completed in November 2016. The new one stop shop and call centre are now operational.
Accommodation Project - Phase 6 - Council Chamber & Ground Floor		296		67	363	16	347	These phases of the project have progressed during 2016/17. Some elements will continue into the early part of 2017/18 and budgets may need to be re-phased to reflect this. Further details are provided at section 2(i) of the accompanying report.
Accommodation Project - Phase 7a - Internal Refurb / Services - First Floor		348		127	155		155	
Accommodation Project - Phase 7a - Internal Refurb / Services - 2nd Floor		0			320		320	
Accommodation Project - Phase 8 - Car Park & External Works		0			0		0	
<b>Sub total</b>		<b>1,428</b>	<b>19</b>	<b>194</b>	<b>1,641</b>	<b>766</b>	<b>875</b>	
<b><u>TOURISM &amp; LEISURE COMMITTEE</u></b>								
Ashton Gardens Depot	Proceeds from the sale of surplus Council Assets	63			63		63	The scheme is currently on hold pending the disposal of the Public offices site (the works will need to be completed prior to that disposal). The scheme may be re-phased into 2017/18 as the disposal of that site is now not expected to take place until later in 2017/18.
St Annes Pool	No external finance - funded by borrowing/general asset disposal receipts	93			93		93	This represents the balance of the maintenance scheme resource which will be retained and drawn upon when required. The scheme may be re-phased into 2017/18. The plant and equipment at St Annes Swimming Pool is in need of replacement. A 5 year replacement programme is currently being developed which will be presented to committee in 2017/18.
St Annes Pool - External Works	Capital Investment Reserve/ Arts Council Grant	120			120		120	A scheme has been proposed which will be designed in-house subject to the delivery of other priority projects. Once designed there will need to be consultation with stakeholders and then dialogue with the Arts Council over match funding. This scheme may be re-phased into 2017/18. A report will be presented to Committee prior to any spend.

Appendix A (Cont'd)

APPROVED SCHEMES	Financing Source	Approved Budget 2016/17 £000	Slippage B/F from 2015/16 £000	Adjustments from 03/03/16 £000	Updated Budget 2016/17 £000	Expenditure to 30/11/16 £000	Variance £000	Comments
<b>TOURISM &amp; LEISURE COMMITTEE (CONT)</b>								
Fairhaven Lake & Promenade Gardens - First round	Capital Investment Reserve	20			20		20	The Council has submitted a bid to the Heritage Lottery Fund in August 2016 for development funding to restore Fairhaven Lake and Gardens historic buildings ,structures and landscapes. An update on the bid will be given to the Tourism and Lesiure Committee at its meeting in January 2017. If successful the match funding will be required in 2017/18. A report will be presented to committee prior to any spend. This scheme is to be re-phased into 2017/18.
Promenade Footways	No external finance - funded by borrowing/general asset disposal receipts	40	7		47		47	The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. A report was presented to the Tourism and Leisure Committee on the 8th September 2016 and authorisation was granted for the expenditure works in 2016/17. The works are now substantially complete and will be fully completed during 2016/17.
Hope Street Footways	Capital Investment Reserve	24			24	24	0	A report was presented to The Tourism and Leisure Committee to authorise the expenditure for resurfacing works to Hope Street Park footpaths in 2016/17. This scheme has been completed to budget.
Lowther Pavilion Roof	Capital Investment Reserve	115	3		118	11	107	The scheme was planned to be delivered by Lowther Gardens Trust during the summer of 2016. Unfortunately the scheme has been delayed and is proposed to be delivered in January 2017. The grant is still to be paid when the works have been completed.
Sand Dunes re-modelling at North Beach Car Park / Summerfields	Capital Investment Reserve	15	2		17		17	Surveys have been undertaken and a scheme design prepared. The scheme has been consulted upon and tendered. A report is due to be presented to the Tourism and Leisure Committee at its meeting in January 2017. The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. The scheme is expected to be completed to budget during 2016/17.
Freckleton Memorial Park	Capital Investment Reserve / S106 Monies / External grants and contributions	50		122	172	141	31	Finance & Democracy Committee in June 2016 approved the Council to act as accountable body and approved a fully funded capital budget increase to the 2016/17 capital programme of £122k to be fully funded from various external grants and Section 106 contributions to give a total capital budget of £172k. Letting of the contract was agreed and awarded to Wicksteed playgrounds and the scheme is expected to be completed to budget during 2016/17.
Warton-with-Westby Parish Council Play Area	Capital Investment Reserve	50			50		50	Officers are working with the Friends group and taking account of the results of the consultation by the Town Council. Progress meeting are on going and a Report will be presented to Committee prior to any spend. The scheme may be re-phased into 2017/18.
Improvements to Children's Play Area - Derby Road, Wesham	S106 Developer Contributions	0		24	24		24	On 26th September 2016 the Finance & Democracy Commnittee approved a fully-funded addition to the capital programme of £24k in 2016/17 to be met from a S106 developer contribution. The scheme is expected to be completed in line with the budget during 2016/17.
<b>Sub total</b>		<b>590</b>	<b>12</b>	<b>146</b>	<b>748</b>	<b>176</b>	<b>572</b>	

Appendix A (Cont'd)

APPROVED SCHEMES	Financing Source	Approved Budget 2016/17 £000	Slippage B/F from 2015/16 £000	Adjustments from 03/03/16 £000	Updated Budget 2016/17 £000	Expenditure to 30/11/16 £000	Variance £000	Comments
<b>OPERATIONAL MANAGEMENT COMMITTEE</b>								
Replacement Vehicles	Capital Investment Reserve / Borrowing	346	60	56	462	365	97	The budget for this scheme has been adjusted to reflect the slippage and fully funded capital budget increase for a weed removal vehicle as approved by the Finance and Democracy Committee of 20th June 2016. All vehicle acquisitions are expected to be completed in line with the budget during 2016/17.
Vehicle Wash-down Facility - Snowdon Rd Depot	Capital Investment Reserve	25			25		25	The scheme has been tendered, a report presented to the Operational Management Committee in November 2016 and the contract has now been awarded. Completion is expected during 2016/17.
North Promenade Toilets Refurbishment	Capital Investment Reserve	84			84		84	The scheme has been completed to budget in 2016/17.
Bus Shelter Replacement Programme	Capital Investment Reserve	30			30		30	In November 2016 the Operational Management Committee authorised commencement of the works which are expected to be completed during in 2016/17.
Car Park Improvements	no external finance - funded by borrowing/general asset disposal	30			30	29	1	The scheme has been completed to budget in 2016/17.
Fylde Headlands Preliminary Work	Specific Government Grant (Environment Agency)	0	38	95	133	85	48	Preliminary design work completed. Marine Management Organisation application submitted and planning application submitted during December 2016. Natural England consent to be sought through the planning process.
Fairhaven and Church Scar Coast Protection Scheme	Specific Government Grant (Environment Agency) / Capital Investment Reserve	3,600			3,600		3,600	The current year budget of £3.6m is based upon the original expenditure profile for the scheme, as provided by the Environment Agency. An updated expenditure profile has now been provided by the EA as detailed within the body of the report. Work is currently ongoing with Blackpool Council with regards to project delivery and a further report will be presented to Committee to update and propose the best options available for Fylde on the delivery of this scheme.
Repair & Renewal - Flood Defences	Specific Government Grant (Environment Agency)	0	33		33	1	32	The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. Any unused grant will be returned to the Environment Agency.
<b>Sub total</b>		<b>4,115</b>	<b>131</b>	<b>151</b>	<b>4,397</b>	<b>480</b>	<b>3,917</b>	



Appendix A (Cont'd)

APPROVED SCHEMES	Financing Source	Approved Budget 2016/17 £000	Slippage B/F from 2015/16 £000	Adjustments from 03/03/16 £000	Updated Budget 2016/17 £000	Expenditure to 30/11/16 £000	Variance £000	Comments
<b>ENVIRONMENT, HEALTH &amp; HOUSING COMMITTEE</b>								
Disabled Facilities Grants Programme	Specific Grant (Better Care Fund) / External Contributions / Grant repayments	468	46	381	895	355	540	The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. A report was also approved by Council on 4th July 2016 for a £380,621 fully funded capital budget increase due to an increased DFG allocation via the Better Care Fund. A review of how DFGs are delivered has recently been agreed by the EH&H Committee which together with increased funding has seen the waiting list reduce from 80 to 8 within two years. Whilst the significant increase in grant is to be welcomed it is unlikely to be fully spent within this financial year due to the backlog in assessments by the Occupational Therapy (OT) Service. The OT Service has pledged to appoint additional resources over the coming months to reduce the backlog of cases.
93 St Albans Road - Compulsory Purchase Order	S106 Developer Contributions	0	105		105	4	101	The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. A detailed scheme is currently being designed and costed and a report will be considered by the Environment, Health & Housing Committee at a later date.
Affordable Housing Scheme Sunnybank Mill, Kirkham	S106 Developer Contributions	0		460	460	0	460	A report was approved by Council on 4th July 2016 for a £920,000 fully funded addition to the capital programme, phased over two financial years (£460,000 payable in 2016/17 and £460,000 payable in 2017/18) to be met from a portion of the balance of S106 developer contributions for affordable housing currently held by the Council for this purpose totalling £865,155.44, and a further £54,844.56 when funds become available, totalling £920,000. The programme is expected to be completed in line with the budget during 2016/17.
Rapid Deployment CCTV Replacement Projects	Specific Grant (LSP Performance Reward Grant)	0	38		38		38	The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. The budget for CCTV camera replacement is planned to be spent on the revised CCTV project as approved by Council. Any remaining monies are to be earmarked and allocated to replacement cameras as and when they are required (subject to a community impact assessment and approval by committee) as also previously agreed by Council. A Working Group has been established to consider Rapid Deployment Cameras and their replacement and will report back to the Environment, Health and Housing Committee in due course.
Lytham Park Cemetery - Windbreak Canopy	Capital Investment Reserve	60			60		60	An initial scheme has been designed in partnership with Blackpool Council involving a fully glazed extension. Consultation with relevant staff, members and users of the facility resulted in the initial proposals being rejected. Revised proposals have been drafted and informally consulted upon involving a large pergola feature. Initial feedback indicates a number of issues with the revised proposals meaning it does not deliver the intended outcomes of the project. New ideas and proposals are being generated to result in an alternative scheme. If this is acceptable the scheme will be presented to committee in February to approve the scheme and seek authorisation for the expenditure with the scheme completed in 2016/17."
New memorial garden - Lytham Park Cemetery	Capital Investment Reserve	33			33		33	A new boundary fence has been installed. A report was presented to the November 2015 meeting of the Environment, Health & Housing Committee approving the location, draw down of funding and the procurement route of the various elements of the scheme. The scheme was re-phased into 2016/17 and is expected to be completed to budget during the year.
<b>Sub total</b>		<b>561</b>	<b>189</b>	<b>841</b>	<b>1,392</b>	<b>359</b>	<b>1,232</b>	

Appendix A (Cont'd)

APPROVED SCHEMES	Financing Source	Approved Budget 2016/17 £000	Slippage B/F from 2015/16 £000	Adjustments from 03/03/16 £000	Updated Budget 2016/17 £000	Expenditure to 30/11/16 £000	Variance £000	Comments
<b>DEVELOPMENT MANAGEMENT COMMITTEE</b>								
Woodlands Road Regeneration Scheme - Town Centre Phase 3	Capital Investment Reserve / S106 Developer Contributions	0	19		19		19	A report was presented to Development Management Committee in November 2015 approving commencement of the works. The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. The scheme has been completed to budget in 2016/17. A small amount of residual funding will slightly extend the scheme to a sum of £5,000 and a Funded Budget Increase will be requested in due course. This will allow for the extension of the street lighting scheme subject to match funding by Lancashire County Council and as such the scheme will finally be completed in May 2017. The residual amount will therefore need to be carried over in to the next financial year.
St Annes Regeneration Schemes	S106 Developer Contributions	274			274	39	235	This funding is earmarked for the next phase of St Annes Town Centre including St Andrews Road Road North/South and The Crescent. A draft plan has been prepared and discussions are on going, since August 2016 with property owners in the locality. The first element of the scheme, relating to the new street lighting scheme for The Crescent and St Andrews Road North has been commissioned and will be completed early into the calendar year 2017. The timeframe for delivery of the remainder of the scheme is proposed to be in the Spring of 2017. In view of the delays caused by the initial problems of building owner engagement (absent landlords and the like) the scheme may be re-phased into the financial year 2017/18.
Lytham Regeneration Schemes	S106 Developer Contributions	130			130		130	Design work on the scheme was planned to commence in April 2016 for delivery of the scheme being later in the 2016/17 financial year. However, local community groups have indicated that this funding could also be used to match fund further funding from other bodies. As a result, the scheme content is to be widened to incorporate a public art component and a project group established to work towards a fully integrated scheme. A revised scheme is to be developed over the next few months and it may be necessary to re-phase delivery of the project as a consequence. Any changes to the scheme and delivery timeframe will be reported to Members and the Capital Programme will be updated accordingly. The scheme may be re-phased into the financial year 2017/18, subject to further match funding being identified.
Staining Regeneration Schemes	S106 Developer Contributions	0	40		40		40	The budget for this scheme has been adjusted to reflect the slippage as approved by the Finance and Democracy Committee of 20th June 2016. This project is subject to ongoing discussions with Staining Parish Council. A draft scheme has been prepared based on the outcome of those discussions and the Parish Council has also suggested some features to be included. The plans are to be amended and a further report to Members will follow in due course.
Kirkham Public Realm Improvements	S106 Developer Contributions	0		90	90	60	30	A report was approved by Finance & Democracy on 26th September 2016 for a £90,000 fully funded addition to the capital programme in 2016/17 to be met from a S106 developer contribution. The programme is expected to be completed in line with the budget during 2016/17.

**Appendix A (Cont'd)**

APPROVED SCHEMES	Financing Source	Approved Budget 2016/17 £000	Slippage B/F from 2015/16 £000	Adjustments from 03/03/16 £000	Updated Budget 2016/17 £000	Expenditure to 30/11/16 £000	Variance £000	Comments
M55 Link Road	S106 Developer Contributions	0		425	425	425	0	A report was approved by Council on 4th July 2016 for a £424,765 fully funded addition to the capital programme in 2016/17 to be met from a S106 developer contribution with an in principle contribution of up to £1m towards the cost of construction of the M55 link road up to 2019, the establishment of a specific 'M55 link-road Reserve' a transfer of £196k from the Capital Investment Reserve into the M55 Link-road Reserve with a further report detailing how the remainder of the contribution may be identified. The timing of these transactions is yet to be finalised and the budget may be re-phased into 2017/18 at a later date.
<b>Sub total</b>		<b>404</b>	<b>59</b>	<b>515</b>	<b>978</b>	<b>524</b>	<b>454</b>	
<b>Total Expenditure</b>		<b>7,098</b>	<b>410</b>	<b>1,847</b>	<b>9,355</b>	<b>2,305</b>	<b>7,050</b>	

**UPDATED 5 YEAR CAPITAL PROGRAMME 2015/16 TO 2019/20 - BY SCHEME**

	Updated Estimate 2016/17 £000	Estimate 2017/18 £000	Estimate 2018/19 £000	Estimate 2019/2020 £000	Estimate 2020/2021 £000
<b>FINANCE &amp; DEMOCRACY COMMITTEE</b>					
Accommodation Project - Phase 4 - Chaseley Link Bridge	501				
Accommodation Project - Phase 5 - One Stop Shop	302				
Accommodation Project - Phase 6 - Council Chamber	363				
Accommodation Project - Phase 7 - Internal Refurb / Services	475				
Accommodation Project - Phase 8 - Car Park & External Works	0				
<b>Sub total</b>	<b>1,641</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOURISM &amp; LEISURE COMMITTEE</b>					
Ashton Gardens Depot	63				
St Annes Pool	93				
St Annes Pool - External Works	120				
Fairhaven Lake & Promenade Gardens - First Round	20				
Promenade Gardens Water Play Facility	0	100			
Promenade Footways	47	40	40	40	40
Hope Street Footways	24				
Lowther Pavilion Roof	118				
Sand Dunes re-modelling at North Beach Car Park / Summerfields	17				
Freckleton Memorial Park	172				
Warton-with-Westby Parish Council Play Area	50				
Improvements to Children's Play Area - Derby Road, Wesham	24				
<b>Sub total</b>	<b>748</b>	<b>140</b>	<b>40</b>	<b>40</b>	<b>40</b>
<b>OPERATIONAL MANAGEMENT COMMITTEE</b>					
Replacement Vehicles	462	1,212	1,262	471	547
Vehicle Wash-down Facility - Snowdon Rd Depot	25				
North Promenade Toilets Refurbishment	84				
Bus Shelter Replacement Programme	30				
Car Park Improvements	30	30	30	30	30
Fylde Headlands Preliminary Work	133				
Fairhaven and Church Scar Coast Protection Scheme	3,600	7,300	5,600		
Repair & Renewal - Flood Defences	33				
<b>Sub total</b>	<b>4,397</b>	<b>8,542</b>	<b>6,892</b>	<b>501</b>	<b>577</b>
<b>ENVIRONMENT, HEALTH &amp; HOUSING COMMITTEE</b>					
Disabled Facilities Programme	895	468	468	468	468
93 St Albans Road - Compulsory Purchase Order	105				
Affordable Housing Scheme Sunnybank Mill, Kirkham	460	460			
Church Road Methodist Church, St Annes		550			
Rapid Deployment CCTV Replacement Projects	38				
Cemetery and Crematorium - Infrastructure Works	0	294			
Lytham Park Cemetery - Windbreak Canopy	60				
New memorial garden - Lytham Park Cemetery	33				
<b>Sub total</b>	<b>1,591</b>	<b>1,772</b>	<b>468</b>	<b>468</b>	<b>468</b>
<b>DEVELOPMENT MANAGEMENT COMMITTEE</b>					
Woodlands Road Regeneration Scheme - Town Centre Phase 3	19				
St Annes Regeneration Schemes	274				
Lytham Regeneration Schemes	130				
Staining Regeneration Schemes	40				
Kirkham Public Realm Improvements	90				
M55 Link Road	425				
<b>Sub total</b>	<b>978</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Expenditure</b>	<b>9,355</b>	<b>10,454</b>	<b>7,400</b>	<b>1,009</b>	<b>1,085</b>

**UPDATED 5 YEAR CAPITAL PROGRAMME 2016/17 TO 2020/21 - FINANCING**

	Updated Estimate 2016/17 £000	Estimate 2017/18 £000	Estimate 2018/19 £000	Estimate 2019/2020 £000	Estimate 2020/2021 £000
<b>FINANCING:</b>					
Capital Receipts - General Asset Sales	45	45	45	45	45
Capital Receipts - Right to Buy Receipts	25	25	25	25	25
Capital Receipts - (Accommodation Project)	682				
Capital Receipts - Vehicle Sales					
Leasing					
Better Care Fund / Disabled Facilities Grant	895	468	468	468	468
Section 106 Monies - St Annes	274				
Section 106 Monies - Lytham	130				
Section 106 Monies - Staining	40				
Section 106 Monies - Kirkham	90				
Section 106 Monies - Freckleton Memorial Garden	15				
Section 106 Monies - Play Area - Derby Road, Wesham	24				
Section 106 Monies - 93 St Albans Road CPO	105				
Section 106 Monies - Affordable Housing, Sunnybank Mill	460	460			
Section 106 Monies - Church Road Methodist Church, St Annes		550			
Section 106 Monies - M55 Link-Road	425				
Capital Grant - Repayments					
Capital Investment Reserve	1,324	493	78	182	
M55 Link-Road Reserve					
Accommodation Project Reserve	1,022				
Other External Finance (see analysis below )	3,601	7,300	5,600		
Direct Revenue Finance	56				
Prudential Borrowing	142	1,113	1,184	289	547
<b>Total Financing</b>	<b>9,355</b>	<b>10,454</b>	<b>7,400</b>	<b>1,009</b>	<b>1,085</b>
<b>Total surplus (-) / shortfall in year</b>	0	0	0	0	0
<b>Cumulative surplus (-) / shortfall</b>	0	0	0	0	0

See note below for external funding available to finance the above schemes:

**Other External Finance: Analysis**

LSP Performance Reward Grant	38				
Environment Agency - Fylde Coastal Preliminaries	3,295	7,300	5,600		
Environment Agency - Flood Defence	71				
Arts Council - St Annes Pool	90				
Freckleton Parish Council	20				
British Aerospace	10				
Friends of Freckleton Memorial Garden	9				
Lancashire County Council	6				
Lancashire Environment Fund	30				
Veolia	32				
New Fylde Housing - DFG Contribution					
	3,601	7,300	5,600	0	0

# INFORMATION ITEM



REPORT OF		MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE		DEVELOPMENT MANAGEMENT COMMITTEE	18 JANUARY 2017	9
<b>BLACKPOOL, FYLDE AND WYRE GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT (GTAA) UPDATE</b>				

## PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The Fylde Coast GTAA was originally published in 2014. It provides an assessment of the needs for pitches for gypsies and travellers, and plots for travelling showpeople, over the period to 2031, for the three Fylde Coast authorities.

In August 2015, the Government published Planning Policy for Traveller Sites (PPTS), introducing a new definition of gypsies and travellers. This rendered the assessment undertaken in the original GTAA out-of-date. The GTAA Update provides a refreshed assessment of need in line with the PPTS. The update concludes that Fylde Borough has a net surplus of 2 pitches, based on needs of gypsies and travellers known to meet the new definition, with a possible need arising for 2 pitches for those whose status could not be established. The earlier study concluded that 26 pitches would be required in Fylde.

### SOURCE OF INFORMATION

The GTAA has been updated by Opinion Research Services on behalf of the three Fylde Coast authorities working jointly, under the Duty to Co-Operate.

### LINK TO INFORMATION

[Blackpool, Fylde and Wyre Gypsy and Traveller Accommodation Assessment Update](#)

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The PPTS requires that local planning authorities set pitch and plot targets, in accordance with the new definitions, to address need in their area. This is essential evidence to support the examination of the emerging Local Plan.

### FURTHER INFORMATION

Contact: Eddie Graves, Principal Planning Policy Officer, [eddie.graves@fylde.gov.uk](mailto:eddie.graves@fylde.gov.uk) or Tel 658419

# INFORMATION ITEM



REPORT OF		MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE		18 JANUARY 2017	10
<b>HOUSING DEVELOPMENT HIGHWAYS IMPLICATIONS JUNCTION 4 M55</b>				

## PUBLIC ITEM

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

### SUMMARY OF INFORMATION

This report has assessed the capacity of the M55 Junction 4 to accommodate indicative development growth within the proposed Fylde Local Plan. In summary, the modelling exercise within this document has demonstrated that part signalisation at M55 Junction 4, plus additional works will be necessary within the Fylde Local Plan period. Part signalisation will only be triggered upon occupation of a number of dwellings at the Whyndyke Garden Village. Beyond this any uncommitted development should be considered for additional contributions for necessary works. Suggested works would need to be agreed by Highways England, Blackpool Borough Council and Lancashire County Council. Works can be undertaken in stages with the agreement of all stakeholders.

### SOURCE OF INFORMATION

Lancashire County Council undertook the study on behalf of Fylde Borough Council to contribute to the evidence base for the Fylde Local Plan to 2032 and the Infrastructure Delivery Plan.

### LINK TO INFORMATION

[Highways implications for proposed housing developments within the draft Fylde Local Plan on M55 Junction 4](#)

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The Junction 4 M55 Study informs and supports the evidence of the Local and the Infrastructure Delivery Plan. This is essential evidence to support the examination of the emerging Local Plan and Infrastructure Delivery Plan.

### FURTHER INFORMATION

Stephen Smith, Principal Planning Policy Officer, [stephen.smith@fylde.gov.uk](mailto:stephen.smith@fylde.gov.uk), 01253 658445

# INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	18 JANUARY 2017	11
<b>FYLDE HIGH STREET INNOVATION FUND</b>			

## PUBLIC ITEM

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

## SUMMARY OF INFORMATION

In March 2012, the Minister of State for Housing and Local Government announced that Fylde Borough Council would receive £100,000 through a new initiative known as the High Street Innovation Fund (HSIF).

This report provides an update on how this funding has been spent by the Town Centres Forum under a scheme known as Fylde High Street Innovation Fund and progress update on delivery of each project.

The table below provide a very simple summary of the progress to date. There is one project that has not yet claimed the full grant allocation from the Council; at present it is anticipated that they will do so before the end March 2017.

## SOURCE OF INFORMATION

Director of Development Services – Economic Development

## INFORMATION

Grant Recipient	Payments to Date	Project	Total Grant	Complete	Payments Owning
Lytham Business Partnership	£22,000	Arts Festival	£22,000	Yes	£0
Lytham Business Partnership	£10,000	Christmas Lights	£10,000	Yes	£0
Friends of St Annes Art Trail	£1,500	Art Trail	£1,500	Yes	£0
Lytham Business Partnership	£5,000	Flag Festival	£5,000	Yes	£0
Lytham Business Partnership	£4,000	Town Signage & Christmas Lights	£8,000	No	£4,000
St Annes on the Sea Town Council	£3,000	Banners	£3,000	Yes	£0
St Annes on the Sea Town Council	£10,000	Christmas Lights	£10,000	Yes	£0
St Annes on the Sea Town Council	£5,500	Town Signage	£5,500	Yes	£0
Kirkham Town Council/LCC	£35,000	Public Realm	£35,000	Yes	£0
	<b>£96,000</b>		<b>£100,000</b>		<b>£4,000</b>

## WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The Development Management Committee requested an update on the progress of the Fylde High Street Innovation Fund at its meeting of 18<sup>th</sup> November 2015. This report provides that update.

## FURTHER INFORMATION

Stephen Smith, Principal Planning Policy Officer, [stephen.smith@fylde.gov.uk](mailto:stephen.smith@fylde.gov.uk), 01253 658445



# INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	18 JANUARY 2017	12
PLANNING APPEALS			

## PUBLIC ITEM

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

### SUMMARY OF INFORMATION

An examination of appeal decisions has been carried out for the period from 1 October 2015 to 30 September 2016. During this 12 month period, 21 appeals were determined which was similar to the previous period. Of those appeals that progressed to a decision, 81% were dismissed which compares very favourably with the England average of 68%<sup>1</sup> and was similar to the previous period (82%). The limited number of public inquiries held during the period will have reduced the demand on Council resources compared to previous years.

### SOURCE OF INFORMATION

Head of Planning & Regeneration from information held on Acolaid, the Service's computerised records system.

### LINK TO INFORMATION

[Break down of appeals determined between 1 October 2015 and 30 September 2016](#)

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The Policy Development Scrutiny Committee considered a report on 9<sup>th</sup> October 2014 outlining the background to planning appeals, an assessment of the appeal decisions over the previous 2 year period and the policy on reducing the number and cost of those appeals. The committee resolution included that the success rate in defending planning appeals continued to be monitored, with a similar monitoring report to be brought to the Development Management Committee annually. Poor appeal performance may also result in a local planning authority being placed under "special measures" and so it is important to monitor appeal results in order to gauge the quality of planning decisions that have been made.

### FURTHER INFORMATION

Contact Mark Evans, Head of Planning & Regeneration, 01253 658460 mark.evans@fylde.gov.uk

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<sup>1</sup> 12 months to October 2016

## Breakdown of planning appeal decisions received between 1 October 2015 and 30 September 2016

**Table 1. No of appeal decisions received during period**

Appeal Method	No of Appeals	% age of Appeals	Allowed (Number)	Allowed (%)	Dismissed	Withdrawn	Average Allowed England (15/16) *
Householder	3	13%	0	0%	3	0	38%
Written Representations	12	52%	1**	8%**	11	0	31%
Hearing	4	17%	1	25%	3	0	43%
Public Inquiry	4	17%	2	100%	0	2	58%
<b>Total</b>	<b>23</b>	<b>99%</b>	<b>4**</b>		<b>17</b>	<b>2</b>	<b>32%</b>

(\* Source - The Planning Inspectorate Tables 2.4 & 2.6 - October 2016 updates)

(\*\*1 appeal part Allowed)

**Table 2. Appeal decisions by scale and decision**

Type of Appeal	Number	Allowed	Dismissed	Withdrawn
Major	4	1	1	2
Minor	10	2**	8	0
Householder	3	0	3	0
Condition	0	0	0	0
Change of Use	5	1	4	0
Prior Notification	1	0	1	0
<b>Total</b>	<b>23</b>	<b>4</b>	<b>17</b>	<b>2</b>
<b>%age of appeals ***</b>		<b>19%</b>	<b>81%</b>	

(\*\*\* of those progressed to decision)

**Table 3. Appeal decisions by category of development**

Category	Allow	Dismissed	Withdrawn
Commercial	1**		
Leisure		3	
Housing (>10)	2	5	2
Housing (<10)	1	2	
Extensions and alterations		6	
Conditions			
Prior Notification		1	
<b>Total</b>	<b>4</b>	<b>17</b>	<b>2</b>

# INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	18 JANUARY 2017	13
<b>MID-YEAR PERFORMANCE 2016/17</b>			

## PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The report provides details of the key performance outcomes for the first half of the financial year 2016/17. Performance is reported against the targets set for the year and commentary is provided by performance exception.

### SOURCE OF INFORMATION

Development Management team input data into the InPhase corporate online system from service based performance data.

### LINK TO INFORMATION

<http://fyldeperformance.inphase.com> - Full Corporate Performance for Fylde Council

<http://www.fylde.gov.uk/assets/files/7077/The-Corporate-Plan-2016-2020.pdf> - Full details of the Corporate Plan 2016-20

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE

The performance information is relevant to the committee terms of reference and the responsibility of the committee to monitor performance of the services within its remit.

### FURTHER INFORMATION

Contact Alex Scrivens, Performance Improvement Manager.

## Mid-Year Commentary by Performance Exception for the Development Management Committee

\*\*\*\*\* PERFORMANCE ABOVE TARGET \*\*\*\*\*

*Commentary is provided to explain why progress has exceeded target, with details of how this will be maintained.*

PM39: Net additional homes provided was 193, the target is 153.5, and last year's comparison figure was 133.

*Due to a number of large developments commencing there have been more completions than this time last year.*

PM38: Percentage of other applications determined within 8 weeks was 89.83%, the target is 80%, and last year's comparison figure was 83.9%.

*In earlier years the team has focussed on delivering good performance on major applications in accordance with government priorities. In more recent years that focus has been spread to all applications hence the performance recorded here. This has been helped through the introduction of a series of process and technological improvements, with further improvements planned for the coming months to help maintain this performance and so customer service. In addition, the planning officer team is currently fully staffed with experienced and qualified planners and the aim is to maintain that so the service continues to deliver this level of service.*

PM37: Percentage of minor applications determined within 8 weeks was 85.85%, the target is 60%, and last year's comparison figure was 73.9%.

*Officer comment: As PM38*

PM151: Percentage of speed of decisions on major planning applications (over a 2 year period) was 75.54%, target is 50%, and last year's comparison figure was 75.2%.

*Largely as PM38, with the measures to maintain good performance on major applications over the past 4 years now routine for all applications. This performance figure is influenced to a greater degree by the limited number of applications received in this category and the importance of external consultee advice to their determination which is often a cause of delayed decisions but is out of the control of the council. These make significant further improvements perhaps more difficult to achieve.*






PM152: Percentage of quality of decisions on major planning applications (over a 2 year period) was 3.59%, the target is 10%, and last year's comparison figure was 9.09%.

*The low figure of decisions overturned on appeal is reflective of efforts to negotiate improvements where feasible and so avoid refusing applications unnecessarily, the good knowledge and experience of staff in the team which is leading to the decisions made being supported by the planning inspectorate, and the improved efficiency of the 'back office' functions which is allowing officers more time to focus on improving schemes where possible.*

PM40: Number of affordable homes delivered (Gross) was 32, the target was 20, and last year's comparison figure was 8.

*Have a number of affordable homes being delivered via S106 agreements on sites in Warton, Staining and Kirkham on sites where negotiations with Registered Provider had been slow.*

## PERFORMANCE KEY ICON STATUS

	<b>Over Performance</b> – the indicator is over performing against target
	<b>On Track</b> – the indicator is performing within tolerance of target.
	<b>Cautionary Under Performance</b> – the indicator is moderately under performing. Whilst the indicator has slipped from target it maybe a minor blip overall or minor action will remedy it.
	<b>Under Performance</b> – the indicator is under performing against target.
<b>N/A</b>	<b>Not Applicable</b> – no comparable data available. This could be due to the methodology being change or being a new measure created.
	<b>Missing Data</b> – the indicator is missing data, this could be due to lag in data in the way the information is collated, or because its currently unavailable.

**APPENDIX 1: Performance Measures mid-year performance (1st April 2016 - 30th September 2016)**

Development Management						
Local Key Performance Indicators	Frequency	Good Performance Is	APR'15- SEP'15	APR'16- SEP'16	Target To Date	Status
PM39: Net additional homes provided	Monthly	Bigger is Better	133	<b>193</b>	153.5	
PM38: Percentage of other applications determined within 8 weeks	Quarterly	Bigger is Better	83.9	<b>89.83</b>	80	
PM37: Percentage of minor applications determined within 8 weeks	Quarterly	Bigger is Better	73.9	<b>85.85</b>	60	
PM151: Percentage of speed of decisions on major planning applications (over a 2 year period)	Quarterly	Bigger is Better	75.2	<b>75.54</b>	50	
PM40: Number of affordable homes delivered (Gross)	Quarterly	Bigger is Better	8	<b>32</b>	20	
PM152: Percentage of quality of decisions on major planning applications (over a 2 year period)	Quarterly	Smaller is Better	9.09	<b>3.59</b>	10	

# INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF CHIEF EXECUTIVE	DEVELOPMENT MANAGEMENT COMMITTEE	18 JANUARY 2017	14
<b>CORPORATE PLAN 2016-2020 PROGRESS UPDATE</b>			

## PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The report provides an update on the council's Corporate Plan 2016-2020.

The Corporate Plan is developed through consultation and feedback with stakeholders and takes into consideration emerging legislation, policy and changes in resources and responsibilities, it is also informed by partners, elected members and external organizations.

The Corporate Plan is a strategic document that forms part of the Council's budget and policy framework, it is presented as a single sided 'poster' style matrix with long term outcomes and specific actions. The plan is part of a wider performance management framework and links with the Directorate Service Plans developed each year.

The report outlines the progress to date against Corporate Plan actions that were due to be delivered or progressed between April 2016 and October 2016.

As part of the annual service planning cycle, each of the two directorates have separate dedicated service plans. The service plans are refreshed each year which contain operational improvement activities, these all contribute towards the council five priorities. There are an additional 47 improvement activities for 2016/16 on top of the 41 Corporate Plan 2016-20 actions. All activities are captured within the council's performance management system called [InPhase](#), these are then reported and monitored during monthly senior management meetings.

### SOURCE OF INFORMATION

Officers responsible for actions input data into the InPhase corporate online system from service based performance data.

### LINK TO INFORMATION

<http://fyldeperformance.inphase.com> - Full Corporate Performance for Fylde Council

<http://www.fylde.gov.uk/assets/files/7077/The-Corporate-Plan-2016-2020.pdf> - Full details of the Corporate Plan 2016-20

<http://intra.fylde.gov.uk/resources/performance/service-planning> - further information regarding Directorate Service Plans 2016/17

## WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE






The information is being included on the agenda of every committee in the current cycle of meetings to ensure all elected members are aware of the opportunity to provide comment, suggestion and seek clarification on the proposed Corporate Plan.

## FURTHER INFORMATION

Alex Scrivens, [alexs@fylde.gov.uk](mailto:alexs@fylde.gov.uk) 01253 658543



Allan Oldfield, [allano@fylde.gov.uk](mailto:allano@fylde.gov.uk) 01253 658500

## PERFORMANCE KEY ICON STATUS

	<b>Over Performance</b> – the indicator is over performing against target
	<b>On Track</b> – the indicator is performing within tolerance of target.
	<b>Cautionary Under Performance</b> – the indicator is moderately under performing. Whilst the indicator has slipped from target it maybe a minor blip overall or minor action will remedy it.
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<b>N/A</b>	<b>Not Applicable</b> – no comparable data available. This could be due to the methodology being change or being a new measure created.
	<b>Missing Data</b> – the indicator is missing data, this could be due to lag in data in the way the information is collated, or because its currently unavailable.





## APPENDIX 1: Corporate Plan 2016-20 actions to date (1st April 2016 – 31<sup>st</sup> October 2016)


A VIBRANT ECONOMY			
Reference	Corporate Plan Action	Due Date	Status
<u>OIP:IA:D:30</u>	Progress the re-opening of the M55 / Moss Road link. The preferred option is to deliver a new road but as a minimum to see its re-opening	30/09/2016	
The council has pledged up to £1m towards the cost of an accelerated single contract to build the new link road. Regular meetings are facilitated by the council between all parties to secure the design of the link road and the letting of a contract for its construction. It is hoped that work will commence mid 2017 with completion during 2019.			
<u>OIP:IA:R:23</u>	Assess the benefits of becoming a member of the Combined Authority.	30/04/2016	
<p>The following benefits should be realised from the Lancashire Combined Authority:</p> <ul style="list-style-type: none"> <li>• A single voice for Lancashire in the debate that will shape the future of the 'Northern Powerhouse'. Lancashire needs a strong voice and a clear understanding of what it wants to achieve to influence the debate and ensure communities are not 'left behind' the rest of the North when securing the freedoms, flexibilities and economies of scale that can only be realised on a regional footprint.</li> <li>• A joint focus for driving economic growth. When new funding arrangements for Local Government are fully implemented, councils will be reliant on business rates to fund services.</li> <li>• An opportunity for all district councils to influence, shape and have accountability for the work of the LEP and the major funding streams that Government distributes through the LEP.</li> <li>• An opportunity to influence and contribute the Fylde coast requirements in a 'Lancashire Plan' focused on economy, skills and development.</li> <li>• The ability to share and access, capacity; expertise; resources; skills; and experience across Lancashire through formal arrangements in a co-ordinated and planned manner.</li> <li>• The ability to work collectively on the common challenge of delivering sustainable public services, every local authority faces ongoing austerity, grant reductions, budget cuts and service reviews</li> <li>• The opportunity to be 'at the table' through formal and transparent engagement in transport decisions providing a strong voice for Lancashire in shaping the priorities in Transport for the North</li> <li>• A structured and transparent governance framework for Lancashire Leaders to meet with voting rights, minutes and agendas that provide increased accountability.</li> </ul> <p>✓ A Devolution Deal is separate from a Combined Authority, the Lancashire Combined Authority will consider a Devolution Deal but does not need to have one</p> <p>✓ A Devolution Deal for Lancashire will focus on the five themes that the Combined Authority is dedicated to dealing with</p>			

- ✓ A Devolution Deal almost always includes the requirement to have a directly elected mayor for the Combined Authority
- ✓ Any devolution proposals will need to be approved by Full Council, it cannot be approved by the Combined Authority
- ✓ An overview and scrutiny committee will be established made up of at least one councillor from each authority who is not a member of the combined authority
- ✓ No additional resources have been required to operate and govern the Lancashire Combined Authority, existing resources are being used
- ✓ In the event any additional resources are required it will require a unanimous vote of the Combined Authority
- ✓ Combined Authority meetings will be held in public and include published minutes and agendas after April 2017, this offers transparency to the Lancashire regional governance arrangements

### CLEAN & GREEN


Reference	Corporate Plan Action	Due Date	Status
<u>OIP:IA:R:32</u>	Focus resources on the reduction of seasonal litter.	31/10/2016	
Officers have been investigating options for the provision of larger litter bins along the promenade from Starr Gate to Lytham Windmill to increase provision and reduce emptying frequency, they have met with suppliers and are in the process of compiling a report with costings and recommendations.			
<u>OIP:IA:D:45</u>	Support community groups throughout the borough to maximise success in the regional and national 'In Bloom' initiative.	31/10/2016	
In 2016 the various community led In Bloom groups have won 20 national and regional awards working with the local authority to differing degrees. The current working relationships are effective and being developed further in consultation with the community groups, some of which require more support and assistance from the team than others.			

### VALUE FOR MONEY

Reference	Corporate Plan Action	Due Date	Status
<u>OIP:IA:D:01</u>	Set a timetable with reporting milestones for the accommodation project.	30/06/2016	
A timetable and reporting milestones for the accommodation project has been prepared and presented to the Accommodation Working Group in June 2016. A report was considered by the Finance & Democracy Committee on 26th September which agreed funding of the remaining phases. Good			

progress has been made on the approved phases and it is expected that the scheme will be fully completed during 2017.

#### A GREAT PLACE TO LIVE

Reference	Corporate Plan Action	Due Date	Status
<u>OIP:IA:R:38</u>	Take enforcement action on illegal encampments.	30/06/2016	
Nine of the pitches on the illegal encampment at Hardhorn have been cleared with the remaining six having received planning permission on appeal, officers are working with the travellers on this site to agree and discharge the conditions. A number of other unlawful encampments on public land have been moved on by way of legal proceedings in the minimum of time allowed by law, an established procedure is in place to both prevent and react to illegal encampments.			

Priority H/M/L	Description of Improvement Action	Corporate Priority	Progress Update Due
L	Increase online service and information provision – the only process	Value For Money	May 2017
L	Review and develop social media and online information	Value For Money	Jan 2017
M	Review the waste service to deliver savings through changes	Value For Money	Feb 2017
M	Carry out resident & employee surveys and act upon the findings	Value For Money	Dec 2016
M	Promote initiatives to reduce dog fouling (PSPO's)	Clean & Green	Mar 2017
M	Improve signage across the borough to deter dog fouling and promote dogs on leads	Clean & Green	Mar 2017
M	Produce and implement a commercial investment strategy	Value For Money	Feb 2017
M	Further reduce the requirement for paper & print through the use of technology and behaviour change	Value For Money	Mar 2020
H	Explore and initiate new income streams – a more commercial approach	Value For Money	April 2017
M	Identify and target fly tipping hotspots to reduce incidents	Clean & Green	May 2017
M	Channel business rates funding opportunities to economic development	Vibrant Economy	Mar 2017
M	Review public information systems for residents	Great Place To Live	June 2017
M	Tackle social isolation and health inequalities working with Public Health	Great Place To Live	Mar 2017
M	Work with partners to improve the quality of the bathing water	Clean & Green	Nov 2016
H	Deliver the coastal defence project at Fairhaven and Church Scar with the Environment Agency	Clean & Green	Mar 2017
M	Enforce car parking regulations and review car parking options	Vibrant Economy	Dec 2016
M	Build on the success of the Residents' Car Parking Scheme	Great Place To Live	Mar 2017
M	Review and improve bus shelter provision	Great Place To Live	Jan 2017
M	Engage effectively with the Local Enterprise Partnership	Vibrant Economy	Mar 2017
H	Support the Fylde Coast Highways and Transport Masterplan projects (junction 2)	Vibrant Economy	Mar 2017

M	Investigate the potential of developing the digital high street	Vibrant Economy	May 2017
M	Engage positively in the Duty to Co-operate on planning initiatives	Vibrant Economy	Mar 2017
M	Facilitate and support Town Centre Partnerships	Vibrant Economy	Mar 2017
H	Implement the timetable for the Local Plan delivery (see separate project plan timetable)	Great Place To Live	Jan 2017
M	Provide appropriate provision for Travellers	Great Place To Live	Mar 2017
M	Develop and implement a policy to protect our heritage (see detailed strategy/action plan)	Great Place To Live	Mar 2017
M	Improve entrance signage and welcome points	Great Place To Visit	Mar 2017
M	Strive to achieve Blue Flag status for the beaches	Clean & Green	Mar 2017
M	Improve information in and about tourist areas	Great Place To Visit	Feb 2017
M	Develop and promote rural tourism	Great Place To Visit	Feb 2017
M	Decide the most effective way to market Fylde as a holiday destination	Great Place To Visit	Feb 2017
M	Carry out visitor surveys and act upon the results	Great Place To Visit	Oct 2017
M	Maximise the natural assets of our coast and countryside by improving their facilities	Great Place To Visit	May 2017
H	Revisit the strategy for the development of Fairhaven Lake	Great Place To Visit	May 2017
M	Develop a policy on events including Club Days, festivals and concerts – Tourism	Great Place To Visit	Feb 2017
M	Maintain and increase Green Flag status for parks and open spaces	Clean & Green	Jan 2017

**\*A number of the progress updates are due by March 2017 which is the first year completed of the four year plan**