



PRCC.23 12/13

Committee: Prosperous
Communities

Date: 8 January 2012

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Subject: Designating the 3 Neighbourhood Plan Areas of Caistor, Saxilby and Nettleham

Report by:

Director of Regeneration and Planning

Contact Officer:

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Purpose / Summary:

To receive the report and recommend the designation of the areas for the Neighbourhood Plans of Caistor, Nettleham and Saxilby.

RECOMMENDATION(S): To formally designate the Neighbourhood Plan Areas of Caistor, Saxilby, and Nettleham.

IMPLICATIONS

Legal: This work is a duty under the Localism Act 2010

Financial : Additional financial contributions are available from DCLG to support Neighbourhood Planning
See section 5 for detailed information

Staffing : Priority for supporting parishes undertaking neighbourhood planning will be given to the Lincoln fringe settlements and the market towns – see section 6 for more information

Equality and Diversity including Human Rights :

Risk Assessment : n/a

Climate Related Risks and Opportunities : n/a

Title and Location of any Background Papers used in the preparation of this report:
<http://www.west-lindsey.gov.uk/residents/planning-and-building/planning-policy/neighbourhood-planning/-applications-to-designate-neighbourhood-areas/113662.article>

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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1 Introduction to neighbourhood planning

- 1.1 A Neighbourhood Plan is a statutory community-led framework for guiding the future development and growth of an area. It may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of key sites for specific kinds of development.
- 1.2 Neighbourhood plans relate to the use and development of land and associated social, economic and environmental issues. It may deal with a wide range of issues (like housing, employment, heritage and transport) or it may focus on one or two issues that are of particular importance in a local area.
- 1.3 Neighbourhood Plans will be subject to full public engagement, examination and referendum and they will then form part of the Local Development Plan. This statutory status gives Neighbourhood Plans the same weight in the planning process as the Local Plan and far more weight than some other local planning documents, such as parish plans, community plans and village design statements.

2 The Neighbourhood Plan Area

- 2.1 Where there is a town or parish council, then that is the qualifying body for leading a Neighbourhood Plan in a designated neighbourhood area that includes all or part of the council's area. The first formal step in neighbourhood planning is the submission of the proposed neighbourhood area to the local planning authority for designation. The following must be submitted in the area application:
 - a map identifying the proposed neighbourhood area
 - a statement explaining why the area is appropriate to be designated as a neighbourhood area
 - a statement explaining that the body making the area application (the parish or town council or prospective neighbourhood forum) is capable of being a qualifying body,
- 2.2 For town or parish councils, there is a strong presumption that the neighbourhood area will be the same as the parish boundary.
- 2.3 However, they may choose a smaller and more focused area, such as a town or local centre, or an area beyond the parish's boundaries if that makes a sensible area to plan for. Adjacent parish/town councils may agree to work in partnership to produce a joint Neighbourhood Plan.

3 West Lindsey Neighbourhood Plan designation applications

- 3.1 Three parish/town councils have formally applied to West Lindsey to have their proposed Neighbourhood Plan Areas designated. All three; Caistor, Saxilby and Nettleham cover the entire parished area. The required notifications set out above have been advertised on the West Lindsey website for a 7 week period finishing on November 30th 2012. There have been no representations received regarding the 3 parish requests and therefore West Lindsey must formally accept the designation of the 3 areas; which conform entirely to the recommended guidance from Department Communities and Local Government (DCLG) above.

4 Further statutory stages in neighbourhood plan making

- The Independent Examination

- 4.1 It is the responsibility of the local authority (in West Lindsey's case the District Council) to organise and cover the costs of the independent examination and referendum. The independent examiner will be appointed by the District Council with the consent of the qualifying body.
- 4.2 The independent examination will consider the submitted documents and any comments made during the consultation period on the submitted plan proposal. The independent examiner will examine whether the plan meets the 'Basic Conditions' and other relevant legal requirements (e.g. consultation).
- 4.3 The independent examiner may recommend that the plan proceed to the referendum stage (i.e. it meets all the legal requirements) or may suggest that modifications are needed to the plan before it can proceed to the referendum. Or they may recommend that it does not proceed to the referendum, if it does not meet the relevant legal requirements.

- Modifications

- 4.4 The District Council must make modifications to the plan if, with those modifications, the plan could comply with the Basic Conditions. The local community may withdraw the plan if it is unhappy with modifications being made.

- Referendum

- 4.5 If the plan is found to be satisfactory (i.e. complies with the key legal requirements) with modifications if necessary, then the District Council must arrange for the referendum to take place. It must give at least 28

working days notice of the referendum before the date of the referendum. The qualifying body may campaign before the referendum, subject to rules over expenses. If more than 50% of those voting in the referendum vote 'yes', then the council will bring the plan into legal force.

5 Financial Implications

- 5.1 West Lindsey are able to retrospectively claim financial assistance for work incurred in assisting communities to bring forward Neighbourhood plans; in particular for the 3 statutory stages of: designation, examination and referendum. £30k is currently available for each plan, but this will be reviewed by DCLG on a year by year basis.
- 5.2 Accordingly in the New Year a claim will be pursued for £5k for each of the 3 designated plan areas; as per the regulations.

6 Staffing implications

- 6.1 The Area Team Manager in Neighbourhood and Developments (Rob Lawton) has currently been assisting the parishes with their Neighbourhood Plan preparations. Caistor is already advanced in the plan making process having started in 2010. When Nettleham and Saxilby start in earnest that resource is going to become stretched, further more Cherry Willingham and possibly Welton are looking to shortly commence their neighbourhood plans. WL have a duty under the Act to assist and advice parishes on the process, and so as a measure to try and prioritise this work it is suggested those communities under most development pressure together receive a degree of priority This equates to the Lincoln fringe settlements and our market towns.
- 6.2 A further report will be brought to the Committee which will outline how work associated with Neighbourhood Planning will be prioritised and resources be deployed.
- 6.3 The localism team may well be able to offer assistance for future parish council run consultation exercises involving neighbourhood plans.