



<b>PRCC.27 14/15</b>
<b>Prosperous Communities Committee</b>
<b>14 October 2014</b>

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**Subject: Designating the Neighbourhood Plan Area of Fiskerton**

Report by:

Chief Operating Officer

Contact Officer:

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Purpose / Summary:

To formally designate the Neighbourhood Plan Area of Fiskerton.

**RECOMMENDATION:**  
**That Members formally designate the Neighbourhood Plan Area of Fiskerton**

## IMPLICATIONS

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

**Financial : FIN/**

**Additional financial contributions are available from DCLG to support Neighbourhood Planning**

**See section 5 for detailed information**

**Staffing : Currently from within the existing staffing establishment**

**Equality and Diversity including Human Rights : The Parish Council will issue a statement explaining conformity to the above as part of the final plan submission.**

**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/>

### 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**

**No**

**X**

### Key Decision:

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

**Yes**

**No**

**x**

## **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. 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 Fiskerton Parish Council have formally applied for their neighbourhood plan area designation. The 6 week period for public consultation responses expired on 29/8/2014 and no observations were received. The Fiskerton neighbourhood plan area covers the entire parish and because of Fiskerton's rurality it cannot be considered for a business neighbourhood forum, it conforms in all other respects to national guidance and regulation. There is a requirement for the District Planning Authority to approve this request.

### **4 Further statutory stages in neighbourhood plan making**

#### **4.1 The Independent Examination**

- 4.1.1 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 (Parish Council).
- 4.1.2 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).
- 4.1.3 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.

#### **4.2 Modifications**

- 4.2.1 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.

### **4.3 Referendum**

- 4.3.1 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 in total for each neighbourhood plan is currently available, but this will be reviewed periodically by DCLG.
- 5.2 A claim will therefore be pursued in due course for £5k for the designation of Fiskerton neighbourhood plan area.