



Council
Date: 3 March 2016

Subject: Caistor and Nettleham Neighbourhood Plans.

Report by:

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Purpose / Summary:

To receive the report and recommend the agreement to 'make' both Caistor and Nettleham Neighbourhood Plans.

RECOMMENDATION(S): To formally 'make' (adopt) both Caistor and Nettleham Neighbourhood Plans in accordance with the requirements on the relevant local authority as set out in the Neighbourhood Plan Regulations 2012 (amended).

IMPLICATIONS

Legal: This work is a duty under the Localism Act 2011

Financial: n/a

Staffing : Neighbourhood Planning Officer

Equality and Diversity including Human Rights :
Both neighbourhood Plans have been independently examinations for their compliance with the regulations of which one is human rights and equality. Both Neighbourhood Plans passed this assessment.

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?

Yes **No**

Key Decision:

Yes **No**

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** 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 Key milestones reached for both neighbourhood plans

3.1 Both Neighbourhood Plan have successfully progressed through the following stages of the process as per Neighbourhood Plan Regulations 2012 (amended).

The Independent Examination

- 3.2** 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.
- 3.3** 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).
- 3.4** 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

- 3.5** 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. WLDC must produce a 'Decision Statement' – identifying what recommended modifications they have either accepted or not accepted and states the reasoning. Both decision statements are available on the Council's Neighbourhood Planning webpage.

4 Public Referendum

- 4.1** Once the examination is over and modifications made to the plans, the District Council have a responsibility to organise a public referendum. This gives the general community a final say in whether their Neighbourhood Plan should be used by West Lindsey District Council to help determine future planning applications within the Neighbourhood Plan area.
- 4.2** The District Council undertook both Neighbourhood Plan Referendum's on the 28th January 2016. The count followed on the morning of the 29th January where the results were announced at 11am.
- 4.3** For a Neighbourhood Plan to proceed to its full adoption, the result must state a 50%+ in favour of those who turned out to vote.
- 4.4** Both Plans successfully obtained a greater than 50% share in favour of those who turned out to vote.
The results are provided below.

Nettleham	Votes cast	Percentage	Successful?
Yes	1145	91.08%	Yes
No	110	8.75%	

Caistor	Votes cast	Percentage	
Yes	441	74%	Yes
No	155	26%	

5 Formal implementation of the two neighbourhood plans

5.1 Following the successful outcome, both Neighbourhood Plans must now proceed to adoption by the District Council as stated within the Neighbourhood Plan Regulations.

5.2 Once adopted, these plans will form part of the statutory planning framework for West Lindsey.

5.3 As part of the Neighbourhood Plans Regulations, WLDC have produced a final 'Decision Statement' for both Neighbourhood Plans for people to view the results of the referendum, which can be viewed in Appendix 1 and 2.

6 Recommendation

6.1 This report recommends:

To formally 'make' (adopt) both Caistor and Nettleham Neighbourhood Plans in accordance with the requirements on the relevant local authority as set out in the Neighbourhood Plan Regulations 2012 (amended).



Nettleham Neighbourhood Development Plan – Final Decision Statement

Friday 29th January 2016

1. Summary

Following a positive referendum result on the 29th January 2016, West Lindsey District Council is publicising its decision to 'make' the Nettleham Neighbourhood Development Plan part of the West Lindsey Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2. Background

Nettleham Parish Council, as the qualifying body successfully applied for the town to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012). Following the submission of the Nettleham Neighbourhood Plan to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed in July 2015.

3. Decision & Reasoning

West Lindsey District Council appointed an independent Examiner; Mr Andrew Ashcroft, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.

The Examiner's Report concluded that the plan meets the Basic Conditions, and that subject to the modifications proposed in the report and which are set out in the Nettleham Neighbourhood Plan Decision Statement September 2015, the plan should proceed to a Referendum. It was agreed at the Council meeting of West Lindsey District Council on the 8th December 2015 that the plan should proceed to referendum and on successful referendum it should be 'made'.

A referendum was held on 28th January 2016, 91.08% of those who voted were in favour of the plan. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the Neighbourhood Plan if more than half of those voting have voted in favour of the plan.

West Lindsey District Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

The referendum held on 28th January 2016 met the requirements of the Localism Act 2011; it was held in the village of Nettleham and posed the question:

'Do you want West Lindsey District Council to use the Neighbourhood Plan for Nettleham to help it decide planning applications in the neighbourhood area'.

The count took place on the 29th January 2016 and greater than 50% of those who voted were in favour of the plan being used to help decide planning applications in the plan area.

The results of the referendum were:

Question:		
Do you want West Lindsey District Council to use the Neighbourhood Plan for Nettleham to help it decide planning applications in the neighbourhood area?		
	Votes recorded	Percentage
Number of votes cast in favour of 'yes'	1145	91.08%
Number of votes cast in favour of 'no'	110	8.75%

West Lindsey District Council has assessed that the plan including its preparation does not breach, and would not otherwise be incompatible, with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

In accordance with the Regulations and the Council's procedure the Nettleham Neighbourhood Development Plan is 'made' and planning applications in the area must be considered against the Nettleham Neighbourhood Development Plan, as well as existing planning policy, such as the West Lindsey Local Plan (2006) and its successors and the National Planning Policy Framework and Guidance.



Caistor Neighbourhood Development Plan – Final Decision Statement

Friday 29th January 2016

1. Summary

Following a positive referendum result on the 29th January 2016, West Lindsey District Council is publicising its decision to 'make' the Caistor Neighbourhood Development Plan part of the West Lindsey Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2. Background

Caistor Town Council, as the qualifying body successfully applied for the town to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 27 June 2013. Following the submission of the Caistor Neighbourhood Plan to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed in April 2015.

3. Decision & Reasoning

West Lindsey District Council appointed an independent Examiner; Mr Nigel McGurk, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.

The Examiner's Report concluded that the plan meets the Basic Conditions, and that subject to the modifications proposed in the report and which are set out in the Caistor Neighbourhood Plan Decision Statement September 2015, the plan should proceed to a Referendum. It was agreed at the Council meeting of West Lindsey District Council on the 8th December 2015 that the plan should proceed to referendum and on successful referendum it should be 'made'.

A referendum was held on 28th January 2016, 74% of those who voted were in favour of the plan. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the Neighbourhood Plan if more than half of those voting have voted in favour of the plan.

West Lindsey District Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

The referendum held on 28th January 2016 met the requirements of the Localism Act 2011; it was held in the Town of Caistor and posed the question:

'Do you want West Lindsey District Council to use the Neighbourhood Plan for Caistor to help it decide planning applications in the neighbourhood area'.

The count took place on the 29th January 2016 and greater than 50% of those who voted were in favour of the plan being used to help decide planning applications in the plan area.

The results of the referendum were:

Question:		
Do you want West Lindsey District Council to use the Neighbourhood Plan for Caistor to help it decide planning applications in the neighbourhood area?		
	Votes recorded	Percentage
Number of votes cast in favour of 'yes'	441	74%
Number of votes cast in favour of 'no'	155	26%

West Lindsey District Council has assessed that the plan including its preparation does not breach, and would not otherwise be incompatible, with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

In accordance with the Regulations and the Council's procedure the Caistor Neighbourhood Development Plan is 'made' and planning applications in the area must be considered against the Caistor Neighbourhood Development Plan, as well as existing planning policy, such as the West Lindsey Local Plan (2006) and its successors and the National Planning Policy Framework and Guidance.