



Council

Monday, 2 November 2020

**Subject: Normanby by Spital and Owmbly by Spital Parish Councils -  
Applications to prepare Neighbourhood Plans**

Report by:

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Purpose / Summary:

This report requests Members to determine separate applications received from Normanby by Spital and Owmbly by Spital Parish Councils to prepare their own independent neighbourhood plans for their respective parish areas only.

**RECOMMENDATION(S):**

**5.1 That Members approve applications by Normanby by Spital and Owmbly by Spital Parish Councils to have their respective parishes designated as separate neighbourhood plan areas for the purposes of producing their own independent neighbourhood plans.**

**5.2 That Members note the withdrawal of the designated neighbourhood plan area for the joint Normanby by Spital and Owmbly by Spital Neighbourhood Plan.**

## IMPLICATIONS

**Legal** : This work is a duty under the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended).

### **Financial : FIN/94/21/TJB**

For every completed neighbourhood plan the Council receives a grant of £20k from the Ministry for Housing, Communities and Local Government (MHCLG) to help support its neighbourhood planning role in the district. Therefore it is anticipated that £40k will be received for these 2 Neighbourhood Plans once approved.

**Staffing** : Internal resources in place to deal with neighbourhood planning.

**Equality and Diversity including Human Rights** : Plans are examined under the Neighbourhood Planning (General) Regulations 2012 (as amended) for any issues relating to equality and diversity.

*NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).*

**Data Protection Implications** : n/a

**Climate Related Risks and Opportunities** : n/a

**Section 17 Crime and Disorder Considerations** : n/a

**Health Implications:** n/a

**Title and Location of any Background Papers used in the preparation of this report:**

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/normanby-and-owmby-by-spital-neighbourhood-plan/>

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/normanby-by-spital-neighbourhood-plan/>

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/owmby-by-spital-neighbourhood-plan/>

Wherever possible please provide a hyperlink to the background paper/s  
If a document is confidential and not for public viewing it should not be listed.

**Risk Assessment :** n/a

### 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

### Key Decision:

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

Yes

No

## **1 Introduction**

- 1.1 This report requests Members to determine separate applications received from Normanby and Spital and Owmbly by Spital Parish Councils to prepare their own neighbourhood plans for their parish areas only.
- 1.2 Such applications are normally dealt with under delegated powers but due to the level of public response from consultations on the applications it was agreed that this should instead be a matter for Full Council.

## **2 Background**

- 2.1 Until recently Normanby by Spital and Owmbly by Spital Parish Councils had been working together on a joint neighbourhood plan (NP) covering both parishes. Joint work started in June 2017 and was led by a steering group including residents from both communities which reported progress back to the parish councils.
- 2.2 Council officers met the group several times to offer guidance but Council funding was not used. The Council were informed about evidence base work that had been undertaken by the group on the joint NP including an initial resident survey and character/history assessment work.
- 2.3 However the joint NP had not reached the first all-important draft Regulation 14 consultation stage. A draft version of the joint NP had not been prepared and therefore did not exist. Regulation 14 is the key opening milestone in the preparation of a NP which would have provided an early opportunity for residents and interested parties to give feedback on the joint draft NP but this had not been undertaken.
- 2.4 Late last year the Council became aware that the joint NP was having governance difficulties. To resolve this, a draft terms of reference (memoranda of understanding) had been drawn up which the Council were consulted on and made comments.
- 2.5 On 28<sup>th</sup> May 2020 the Council received notification from Normanby by Spital Parish Council (PC) that it had decided to formally withdraw from sharing the joint neighbourhood plan with Owmbly by Spital PC. Instead, it wished to proceed with its own neighbourhood plan for Normanby by Spital parish only.
- 2.6 The Council informed Normanby by Spital PC of what the outcome of their withdrawal decision would mean for the joint NP and also that they would need to submit a formal application for its own neighbourhood plan which would involve public consultation. Owmbly by Spital PC were also notified.

- 2.7 Subsequently, Normanby by Spital PC submitted a formal application to the Council to prepare its own NP. Consultation was undertaken involving publishing the application on the Council's website and displaying public notices in the parish. Consultation ran for 8 weeks from 13 July to 7 September 2020.
- 2.8 Following receipt of Normanby by Spital PC's new application and indication to therefore withdraw from the joint NP, Owmbly by Spital PC were asked how they wished to move forward. On 5 July 2020 the Council received from them an application to prepare a neighbourhood plan for their parish area only. The consultation period for Owmbly by Spital PC's application ran for 8 weeks from 10 August to 5 October 2020.
- 2.9 A separate document accompanies this report which contains the many responses to the consultations on the Normanby by Spital and Owmbly by Spital PCs applications. In summary, the majority of comments are not in favour of the separate applications and would like to see work on the joint NP continue. There are some responses in support, and it is noted that Owmbly by Spital residents would support a single plan for their parish if no other option was available.

### **3. Decision and Reasoning**

- 3.1 The Localism Act 2011 gives powers to local communities to shape their own areas. They can do so by producing NPs for their areas. Once made these NPs become part of the Development Plan on which planning applications must be determined unless other material considerations dictate otherwise.
- 3.2 In parished areas like West Lindsey, bodies qualifying for such powers to prepare NPs are our parish councils. It is for a parish council to decide to prepare a NP or not, and indeed to decide to withdraw from one. Parish councils have ultimate responsibility for overseeing the production of their NPs including its content and submission format for examination. Often PCs establish a steering group to lead on the NP and occasionally they join forces with an adjoining parish to prepare a joint plan.
- 3.3 Local planning authorities (LPA/WLDC) are expected to play an advisory role helping and supporting PCs with their NPs, especially in the early stages. It is only in the later stages that LPAs are required to take more of a leading role.
- 3.4 Nevertheless the LPA is still required to make certain key decisions on the NP as it progresses. The first key decision, and relevant to this report, is to determine applications for a NP Area Designation from PCs who wish to do a NP.
- 3.5 In making this decision, guidance states that where an application is for the whole of a parish to be designated, then an LPA must designate

the area applied for if an application is valid *and* all of the area has not yet been designated. LPAs can in such circumstances (i.e. where an area is already designated) look to refuse an area designation application, but only where it considers the area applied for is not appropriate. In deciding to refuse an application, an LPA must be able to give reasons for its decision.

- 3.6 Both Normanby by Spital and Owmbly by Spital parish councils have applied to do their own NPs for their parish areas only. These would appear to be logical and appropriate areas to select. The boundaries are already established and used for governance/democratic/planning purposes. Physically they include the main settlements and immediate countryside. Best practice and guidance would support such areas being designated. Virtually all of the neighbourhood plans in the district including joint ones use parish boundaries for their areas.
- 3.7 However, the applications being considered are for areas currently covered by an existing designated neighbourhood plan area, that of the joint Normanby by Spital and Owmbly by Spital Neighbourhood area.
- 3.8 As stated earlier, although work on the joint NP had begun in June 2017 it had not reached the very first milestone in the preparation of a NP, that of Regulation 14 draft consultation. A joint draft NP did not exist and therefore the Regulation 14 stage could not be undertaken and completed.
- 3.9 From publicity feedback on the separate applications there is significant support for work on the joint NP to continue. Many reasons are put forward including that it would be far more beneficial to do a joint plan for both parish areas.
- 3.10 Normanby PC's decision to withdraw from the joint NP effectively means that it cannot continue as it is. Also Owmbly by Spital PC, aware of the situation, appears to have had little option but to apply to do its own neighbourhood plan. If the applications are approved by Members, the outcome of Normanby by Spital PC's decision to withdraw from the joint NP and the approval of the subsequent applications means that the Council will need to formally withdraw the designated area for the joint NP.

#### **4. Summary**

Given the level of public interest in the applications it was considered necessary for these to be considered and determined by Full Council rather than through delegated powers. The powers to apply and withdraw NPs rest with parish councils rather than this Council. However we are required to determine these applications to prepare NPs but only with regard to the appropriateness of the areas put forward. For the reasons given in the report it is recommended that both NP applications be approved and confirmation of the joint NP's withdrawal be published on the Council's website.

**5. Recommendations**

- 5.1 That Members approve applications by Normanby by Spital and Owmbly by Spital Parish Councils to have their respective parishes designated as separate neighbourhood plan areas for the purposes of producing their own independent neighbourhood plans.**
- 5.2 That Members note the withdrawal of the designated neighbourhood plan area for the joint Normanby by Spital and Owmbly by Spital Neighbourhood Plan.**