



FULL COUNCIL

Date: 13 November 2017

Subject: Brattleby Neighbourhood Plan Adoption

Report by:

Chief Operating Officer: Mark Sturgess

Contact Officer:

Daniel Evans
Assistant Neighbourhood Planning Officer
Daniel.evans@west-lindsey.gov.uk

Purpose / Summary:

To fully 'make' (adopt) the Brattleby Neighbourhood Plan.

RECOMMENDATION(S): To make the Brattleby Neighbourhood Plan in accordance with the Neighbourhood Planning Regulations 2012.

IMPLICATIONS

Legal: This work is a duty under the Localism Act 2011 and the Neighbourhood Planning Regulations 2012.

Financial : FIN/102/18 Additional financial contributions are available from DCLG to support Neighbourhood Planning

Staffing: Internal resources in place to deal with Neighbourhood Planning

Equality and Diversity including Human Rights: The Plan has been examined under the Neighbourhood Planning Regulations for any issues relating to equality and diversity.

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:

<https://www.west-lindsey.gov.uk>

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

X

No

☐

Neighbourhood Planning

1. Summary

Following a positive referendum result on the 31st August 2017, West Lindsey District Council is publicising its decision to 'make' the Brattleby Neighbourhood Development Plan as part of the West Lindsey Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2. Background

Brattleby Parish Council, as the qualifying body successfully applied for the village to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force in August 2015. Following the submission of the Brattleby Neighbourhood Plan to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed in February 2017.

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 Brattleby Neighbourhood Plan Decision Statement March 2017, the plan should proceed to a Referendum. It was agreed at the Council meeting of West Lindsey District Council on the 18th July 2017 that the plan should proceed to referendum and, in the outcome of a successful referendum result, it should be 'made' (adopted).

A referendum was held on 31st August 2017, 97% 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 neighbourhood plan forms part of the statutory development plan following a successful referendum. Nevertheless the Council are required to 'make' the Neighbourhood Plan following the result of the referendum.

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 31st August 2017 met the requirements of the Localism Act 2011; it was held in the Parish of Brattleby and posed the question:

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

The count took place on the 31st August 2017 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 Brattleby to help it decide planning applications in the neighbourhood area? | | |
| | Votes recorded | Percentage |
| Number of votes cast in favour of ' yes ' | 35 | 97.2% |
| Number of votes cast in favour of ' no ' | 1 | 2.8% |

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 Brattleby Neighbourhood Development Plan is 'made' and planning applications in the area must be considered against the Brattleby Neighbourhood Development Plan, as well as current local and national planning policy, such as the Central Lincolnshire Local Plan (2012) and the National Planning Policy Framework and Guidance.

4. Recommendation:

That elected members formally agree to 'make' (adopt) the Brattleby Neighbourhood Plan in accordance with the Neighbourhood Planning Regulations 2012.