

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 15 DECEMBER 2016
title: BOLTON BY BOWLAND AND GISBURN FOREST NEIGHBOURHOOD PLAN -
SUBMISSION
submitted by: CHIEF EXECUTIVE
principal author: COLIN HIRST

1. PURPOSE

- 1.1 To receive an update on Bolton by Bowland and Gisburn Forest Neighbourhood Plan and agree to appoint an Independent Examiner.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – The matters covered in this report will contribute to several of the objectives of the Sustainable Community Strategy including appropriate housing and encouraging economic activity.
 - Corporate Priorities – The document that is the subject of this report relates to Council ambitions of making people's lives safer and healthier and also helping to protect the environment by directing future development into appropriate and sustainable locations.
 - Other Considerations – This consultation response will help the Council to positively contribute to the neighbourhood planning process.

2. BACKGROUND

- 2.1 Neighbourhood planning is an initiative which gives local communities the opportunity, should they choose to take it, to develop a formal plan for their particular area. This plan, once adopted, will have legal force in the formal planning system alongside other documents produced by the Planning Authority and by central government. It must be in general conformity with the area's overall Local Plan, including the Core Strategy, and not conflict with central government policy statements such as the National Planning Policy Framework (NPPF) and associated National Planning Practice Guidance (NPPG). Decisions on planning applications will be made using both the Local Plan and, once it is formally adopted, the neighbourhood plan, and any other material considerations.
- 2.2 In general terms, and subject to the above, neighbourhood plans give local communities the ability to develop a shared vision for their particular area including where they want to see new homes, shops and work places develop, potentially what those new buildings will look like and what infrastructure should be provided. These plans can operate over ten, fifteen or twenty year horizons. It is also important to note that the plan is also subject to the parallel process of Sustainability Appraisal, as was the Core Strategy.
- 2.3 Briefly, the process of developing a neighbourhood plan begins with the designation of the specific area the plan will consider. In this case it is the combined parishes of Bolton by Bowland and Gisburn Forest, which have developed the draft to which this

consultation refers through a joint Steering Group under the guidance of independent consultants. The neighbourhood plan is the first of its type to be progressed to this stage in the Ribble Valley.

- 2.4 The draft plan was the subject of public engagement and consultation in accord with the applicable regulations. It was published for consultation between 5 January 2015 and the 1 March 2015. This Council made a detailed response to the Plan which was considered by this Committee at its meeting of 12 February 2015. Minute 597 refers.
- 2.5 A revised plan which the Parish Council considers to be its final plan, has been submitted to Ribble Valley Borough Council. The Council has published the submission documents for a formal six week consultation on the documents which closes on 4 January. Following that consultation the document, together with any consultation responses, will be the subject of an Examination by an Independent Examiner. If it is found to be legally sound it will then pass to a local public Referendum. If successful, and subject to EU obligations and Convention rights, Ribble Valley Borough Council then formally makes the plan and it comes into legal force.
- 2.6 Further details regarding Neighbourhood Planning can be found on the National Planning Policy Guidance (NPPG) website link below.

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

A set of the submission documents has been placed in the Members Room on level C at the Council offices.

3. THE COUNCIL'S ROLE

- 3.1 As Local Planning Authority, the role to progress the neighbourhood plan passes on submission to the Borough Council. The Borough Council is responsible for publishing the plan and inviting representations in the consultation period. The submission documents have been published on the Council's website, copies placed on deposit for public inspection at the Council offices and Clitheroe library and public notices have been placed within the designated area at relevant places. The Council has also notified the relevant consultation bodies and those listed in the Parish Council consultation statement in accord with the regulations. Copies have also been placed to assist local residents in the Tosside community hall and Bolton by Bowland village hall. Press releases have also been issued. Informally, the Parish council has also asked the Parish councillors to make copies of the documents available to local residents for ease of reference.
- 3.2 The closing date for representations is 5pm on Wednesday, 4 January following which the Council will collate the responses and make them available to the appointed Examiner.
- 3.3 It is a duty of the Council to appoint the Independent Examiner. This requires a procurement process to be undertaken in accord with the Council's procurement regulations to select an Examiner. A number of bodies provide support in making an appointment including the Planning Inspectorate and organisations such as the Royal Institute of Chartered Surveyors who operate a panel of Examiners to select from.

- 3.4 Whilst it is the Borough Council's role to appoint the Examiner, the Examiner can only be appointed with the agreement of the qualifying body, in this case the Parish Council who are promoting the neighbourhood plan. A protocol for selecting the Examiner is currently being worked up with the Parish Council. A verbal update on this will be given at the meeting.
- 3.5 It is usual for the Examination to be undertaken through the written representation process. However, the Examiner can, if they deem it appropriate, hold a hearing to discuss representations in more detail. Costs to organise and undertake any hearing days will need to be met by the Borough Council as part of the Examination.
- 3.6 In summary we are currently in the consultation period. The Council needs to now appoint in agreement with the Parish Council an Examiner and make arrangements for the Examination.
- 3.7 The Examiner is able to draw three findings from the Examination and can make one of three recommendations.
- The plan is sound and can move to Referendum.
 - The plan can move to Referendum subject to certain changes to make the plan sound.
 - The plan is not sound and cannot go to Referendum.
- 3.8 The Referendum would only take place within the designated area, only people eligible to vote in that area may vote. The Referendum question is defined and seeks to identify support for the plan or not. A simple majority of those who votes is required to progress the plan. In exceptional circumstances the Examiner having considered representations may extend the area to which the Referendum is undertaken.
- 3.9 We currently anticipate that the Examination will take place between January and March 2017. The Referendum will need to take place as soon as reasonably possible after receipt of the Examiner's recommendations being received and consideration of the report by the Local Planning Authority. It is possible therefore that a Referendum could be aligned with elections scheduled in May 2017.

4 THE SUBMISSION PLAN

- 4.1 Following the comments made by the Council to the consultation draft, officers have liaised with the Parish Council on the plan as set out in the guidance to proactively assist its preparation based on the comments provided to help the Parish Council develop the plan. The Parish Council has continued to refine the plan and undertake the necessary sustainability appraisal alongside the development of the plan. This has resulted in the Parish Council arriving at the point where they have resolved to agree the plan for submission.
- 4.2 The plan as revised has taken into account the comments provided by this Council. It continues to deal with the plan by way of objectives each with a chapter structured around it. At this stage the Council needs to be satisfied that the plan deals with appropriate matters, is in general conformity with the Council's Core Strategy and does not conflict with national planning policy.

4.3 The Council has liaised with the Parish in the preparation of the plan. The plan is considered to be in general conformity with the Council's Core Strategy and to deal with relevant matters. There are however areas where some minor amendments to policy wording would be beneficial and it is recommended that officers continue to discuss and negotiate with the Parish to ensure any anomalies can be resolved and any agreed modification recommended to the Examiner.

5 RISK ASSESSMENT

5.1 The approval of this report may have the following implications:

- Resources – Costs for the statutory publication stage (6 week consultation) independent Examination and Referendum are met by the Council as Local Planning Authority. No specific budget provision exists, however the Council has secured neighbourhood planning funding totalling £15,000 which could be used to initially finance the cost of the Examination and Referendum.

To date, consultation costs have been met from operational revenue budgets. The opportunity to draw a further £20,000 of grant occurs after the Examination if the plan goes to Referendum. This is a recent change to the funding criteria where previously the Local Planning Authority could apply for the £20,000 on submission of the plan. If the plan does not progress to Referendum the funding is not available.

It is anticipated that the cost of the Examination could be in the order of £10,000. Costs of a Referendum in the designated area will depend upon whether the Referendum is held at the same time as another election. If the Referendum is a stand-alone one, it is estimated costs would be in the order of £5,000.

Therefore, total cost estimated to be approximately £15,000 which could be initially financed from neighbourhood planning funding already received totalling £15,000 and set aside in an earmarked reserve. If the plan progresses to Referendum we will apply for the further £20,000 which will be used to replenish the earmarked reserve.

- Technical, Environmental and Legal – None
- Political – No direct political implications
- Reputation – It is important that the Council positively contributes to the neighbourhood planning process.
- Equality & Diversity – No implications identified

6 RECOMMENDED THAT COMMITTEE

6.1 Note the content of the report and authorise the Chief Executive in consultation with the Chairman to agree modifications to enable the plan to progress and to advise the qualifying body that the plan should continue to Examination at this stage and that the appointment of the Independent Examiner be made.

- 6.2 Agree to use the neighbourhood planning earmarked reserve to fund the cost of the Examination and a Referendum if necessary.

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HEAD OF REGENERATION AND HOUSING

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

1. Ribble Valley Borough Council Response to Consultation on Draft Bolton by Bowland and Gisburn Forest Neighbourhood Plan.

For further information please ask for Colin Hirst, extension 4503.