



Report of:	Meeting	Date
Councillor Peter Le Marinel, Planning Policy and Economic Development Portfolio Holder and Marianne Hesketh, Corporate Director Communities	Council	30 November 2023

The Making (Adoption) of the Barton Neighbourhood Plan

1. Purpose of report

- 1.1** To inform Council of the results of the Barton Neighbourhood Plan referendum.
- 1.2** To present to Council the Barton Neighbourhood Plan and ask Members to 'make' (adopt) the Barton Neighbourhood Plan.

2. Corporate priorities

- 2.1** Collaborate with residents and local stakeholders to maximise opportunities for improving health and wellbeing across our communities.
- 2.2** Work with residents, Parish and Town Councils and businesses to plan, protect and enhance the quality of our neighbourhoods and environment and promote responsible use of Wyre's great outdoors.

3. Recommendations

- 3.1** That the Barton Neighbourhood Plan be 'made' (adopted).
- 3.2** That powers be delegated to the Head of Planning and Regeneration to make minor editorial amendments and corrections to the Barton Neighbourhood Plan prior to publication.

4. Background

The Neighbourhood Planning Process

- 4.1** Neighbourhood planning is a way for communities to shape the future of the places where they live and work. The Localism Act 2011 which amended the Town and County Planning Act 1990, introduced the right for local communities to produce neighbourhood plans and the mechanisms for them to do so. The Neighbourhood Planning (General) Regulations 2012 (as amended) sets out the detailed arrangements that neighbourhood plans should follow, including the responsibilities of the parish council and the local planning authority in the neighbourhood plan process.
- 4.2** A neighbourhood plan cannot be used to prevent or stifle development. Once a neighbourhood plan is 'made' (adopted) it becomes part of the statutory development plan for that area and is used alongside local and national planning policy and guidance to determine planning applications.
- 4.3** The Neighbourhood Planning (General) Regulations 2012 (as amended) set out key stages in the preparation of such plans and the process for them becoming part of the development plan. The key stages are summarised below.
- a) Designation of a neighbourhood area - The area covered by the neighbourhood plan needs to be agreed by the borough council.
 - b) Preparation of a draft neighbourhood plan - The 'qualifying body' then prepares the draft neighbourhood plan and evidence base.
 - c) Pre-submission publicity and consultation - The Plan is submitted for pre-submission publicity and consultation for a minimum of six weeks.
 - d) Submission of the draft plan - The 'qualifying body' formally submits the neighbourhood plan to the local planning authority. The local planning authority checks whether the plan accords with the relevant legislation, publicises the Plan for six weeks and appoints an Independent Examiner.
 - e) Independent Examination - The neighbourhood plan is examined by an Independent Examiner to assess whether the Plan meets the basic conditions. The Examiner then issues a report, if the report is positive and the borough council agrees with it, the Plan is then subject to referendum.
 - f) Referendum - The borough council organises a referendum, and then publishes the results.
 - g) Adoption – The Plan is 'made' by the borough council.
- 4.4** To provide effective governance arrangements in relation to the neighbourhood planning process, a report was considered by Cabinet on 7 September 2016 to introduce a scheme of delegation (Part 7 of the Council's Constitution) in relation to the various stages of the preparation of a neighbourhood development plan and a neighbourhood development order, to ensure the local planning authority meets the deadlines set by

the regulations and also allow decisions to be made in a timely manner to avoid unnecessary delay.

Barton Neighbourhood Plan

- 4.5** Myerscough and Bilsborrow Parish Council and Barton Parish Council submitted a joint neighbourhood area application to Wyre Council and Preston City Council on 30 March 2017. A six week public consultation on the area application was held between 11 May and 23 June 2017 as the proposed neighbourhood area covered two parishes. After consideration of the consultation responses, Wyre Council and Preston City Council both formally approved the neighbourhood area application on 8 September 2017.
- 4.6** The Barton Neighbourhood Plan has been prepared by Barton Parish Council in association with Myerscough and Bilsborrow Parish Council. The latter formally delegated their right to prepare a neighbourhood plan to Barton Parish Council and its Steering Group in consultation with the local planning authorities for the neighbourhood area - the local planning authorities being Preston City Council and Wyre Council. It was also agreed between the two borough councils, that Preston City Council would be the lead local planning authority. This is owing to the majority of the neighbourhood area falling within the administrative area of Preston City Council and Barton Parish Council.
- 4.7** The Barton Neighbourhood Plan has been prepared with public consultation and community engagement at the centre of the process and Barton Parish Council have undertaken a number of public consultations, including a statutory public consultation in accordance with Regulation 14 of the Neighbourhood Planning Regulations. This allowed residents and stakeholders, including Wyre Council, an opportunity to comment on the draft policies and site allocations proposed within the draft plan.
- 4.8** The Barton Neighbourhood Plan was formally submitted to Preston City Council and Wyre Council for examination on 17 November 2022. It was accompanied by supporting evidence, including a basic condition statement and consultation statement.
- 4.9** Upon receipt of the submitted Plan in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations (as amended), Wyre Council and Preston City Council publicised the Barton Neighbourhood Plan and sought comments during a six week public consultation that was held between 18 January and 1 March 2023.
- 4.10** Following the Regulation 16 consultation, an Independent Examiner, (Peter Dickson Biggers BSC (Hons) MRTPI AIHBC), was appointed by Preston City Council with the agreement of Barton Parish Council, to conduct an examination of the submitted Plan. All representations that had been received during Regulation 16 consultation were considered by the Examiner.

4.11 The role of the Examiner is to scrutinise the Plan and determine whether it meets the basic conditions and other legal requirements as set out in Schedule 4B of the Town and County Planning Act 1990. It is usual for an Examiner to recommend modifications to a plan in order for it to meet the basic conditions before it can progress to the referendum. The relevant basic conditions for the proposed Barton Neighbourhood Plan comprise:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- The making of the neighbourhood plan contributes to the achievement of sustainable development;
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained EU obligations; and
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

4.12 The examination into the Plan took place through written representations without the need for any hearing sessions. Having considered all the information before him, the Examiner made some additional requests to Barton Parish Council, Preston City Council and Wyre Council to seek clarification.

4.13 The Examiner's Report was received on 6 June 2023 and concludes that subject to modifications, the Barton Neighbourhood Plan is in general conformity with the strategic policies of the Adopted Wyre Local Plan (2011-2031) (incorporating partial update of 2022); has regard to national guidance; would contribute to the achievement of sustainable development; and would satisfy the basic conditions and legal requirements. The Examiner's Report included recommended modifications.

4.14 The Examiner's Report recommended that subject to modifications proposed in his report, the Barton Neighbourhood Plan should proceed to referendum. Officers considered the Examiner's report and the proposed modifications and concluded that they were necessary for the Plan to meet the basic conditions and all legal requirements as set out in legislation. The nature of the proposed modifications did not alter the conclusions reached from previous Environmental Screening undertaken. Officers at Preston City Council and Barton Parish Council were also in agreement that the modifications were necessary for the Plan to proceed.

4.15 The Examiner recommended that the Plan, once it has been modified, proceeds to local referendum and the referendum should be based on the Neighbourhood Plan area as approved by Preston City Council and Wyre Council on 8 September 2017.

- 4.16** Barton Parish Council prepared an updated version of the Plan, incorporating the modifications. It was also agreed with Barton Parish Council that the time necessary to consider the Examiner's Report and make the necessary modifications would exceed the normal five week period owing to the amount of modifications necessary.
- 4.17** Following receipt of the Examiner's Report, the Neighbourhood Planning (General) Regulations (as amended) (Regulation 18(2)) state that a local planning authority must publish what action will be taken in response to the recommendations of an Examiner. This is known as a 'Decision Statement' and outlines how a Plan will be modified in response to an Examiner's Report and the reasoning for such changes.
- 4.18** On 14 September 2023, a report was considered by the council's Planning Policy and Economic Development Portfolio Holder to formally consider and to:
- Endorse the findings of the Barton Neighbourhood Plan Examiner's Report and proposed modifications, and;
 - That the Barton Neighbourhood Plan incorporating proposed modifications meets the basic conditions and legal requirements.
 - That the Barton Neighbourhood Plan should proceed to a local referendum and that the draft decision statement can be issued to inform interested parties that the modified Barton Neighbourhood Plan should proceed to Referendum as soon as reasonably possible with a potential Referendum date of 9 November 2023.
 - That powers be delegated to the Head of Planning and Regeneration to make minor editorial amendments and corrections to the Barton Neighbourhood Plan prior to referendum.
- 4.19** The council published a formal 'Decision Statement' as required by Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended) on 29 September 2023. This Decision Statement agreed the findings of the Examiner's Report and his recommendation a referendum be held. In accordance with the Neighbourhood Planning Referendum Regulations the referendum must be held within eight weeks of that decision.
- 4.20** Prior to the referendum, as required by the Neighbourhood Planning Referendum Regulations, the council prepared and published supporting documentation including information for voters, and an 'Information Statement' setting out details of the referendum 28 days before polling day. The Information Statement also sets out that the referendum will be conducted based on procedures similar to those used in local government elections. Those who could vote were those who were registered to vote, and entitled to vote in a local government election in the Referendum Area, and whose qualifying address for the election is in the Referendum Area.

- 4.21** If more than 50% of the votes cast are in favour of the Barton Neighbourhood Plan it is considered the Plan should be 'made' (adopted) by the borough council.
- 4.22** In such instance Wyre Council must formally adopt the Plan within eight weeks of the referendum date.

Impact on EU Obligations/Strategic Environmental Impact Assessment and Sustainability

- 4.23** There is no legal requirement for a Sustainability Appraisal to be carried out for a Neighbourhood Plan, as set out in section 19 of the Planning and Compulsory Purchase Act 2004. However, a qualifying body (in this case Barton Parish Council) must demonstrate how a neighbourhood plan would contribute to the achievement of sustainable development, as set out in the basic conditions. The draft neighbourhood plan proposals should be assessed as to whether the plan is likely to have significant environmental effects (often referred to as a screening opinion or assessment). The legislative requirements of this process are set out in the Environmental Assessment of Plan and Programmes Regulations 2004. A screening report produced by Wyre Council and agreed by statutory consultees was published in 2021.
- 4.24** The government's definition of sustainable development for planning purposes is set out in the National Planning Policy Framework and states that 'achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways'. These are an economic objective, a social objective and an environmental objective.

5. Key issues and proposals

- 5.1** The referendum was held on 9 November 2023 and administered by Preston City Council. Electors of the Barton Neighbourhood Area were asked "Do you want Preston City Council and Wyre Borough Council to use the Neighbourhood Plan for Barton to help it decide planning applications in the neighbourhood area?" The overall turnout was 26.75%. 335 electors voted 'YES' and 19 electors voted 'NO'. So of those electors that did vote which was a total of 355, 94.4% were in favour of the plan. With a result of more than 50% of the votes cast in favour of the Barton Neighbourhood Plan it is recommended that the Plan should be 'made' (adopted) by the borough council.
- 5.2** Following the Barton Neighbourhood Plan referendum Wyre Council must make a decision whether to make (adopt) a neighbourhood development plan under section 38A(4) of the 2004 Act or whether to refuse to make a plan under section 38A(6) of the 2004 Act.

- 5.3** Under Regulation 19 of the Neighbourhood Planning Regulations 2012 (as amended), Wyre Council must publish its decision on the council's website and a formal statement, 'the decision statement' (on the adoption) must be produced setting out the decision and the reasons for making that decision.
- 5.3** Should the Council decide to 'make' a neighbourhood plan it must publish 'the decision statement' saying it has been 'made' and the reasons why. It must also publish the Neighbourhood Plan and notify those living working and doing business in the neighbourhood area, and any interested parties. Thereafter it becomes part of the statutory development plan for that area and is used alongside local and national planning policy and guidance to determine planning applications in the neighbourhood area.
- 5.4** In accordance with section 61N of the Town and County Planning Act the decision to 'make' a neighbourhood plan can be legally challenged before the end of the period of six weeks beginning with the day after the day on which the decision is published.
- 5.5** Should the Council decide not to 'make' the neighbourhood plan, 'the decision statement' must be published and must explain the reasons why it has not been 'made'. Such a decision can also be legally challenged.
- 5.6** As the Barton Neighbourhood plan (Appendix 1) is finalised for publication Members are requested to delegate powers to the Head of Planning and Regeneration to make such minor editorial changes as may be necessary before the document is published and printed.

Alternative options considered and rejected

- 6.1** There are no reasonable alternative options. The Barton Neighbourhood Plan meets the relevant basic conditions and the promotion process is compliant with legal and procedural requirements. Modifications made to it post examination address the Examiner's concerns. If more than 50% of the votes cast in the designated Barton Neighbourhood Plan Area are in favour of the Barton Neighbourhood Plan, the Plan should be 'made' (adopted) by Wyre Borough Council. Officers have reviewed the Plan and consider that making the Plan would not breach, or otherwise be incompatible with, any retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998) .

Financial, Legal and Climate Change implications	
Finance	Wyre's officer time and sundry expenditure is being met from existing budgets. Expenditure on the preparation of the Barton Neighbourhood Plan itself has been incurred by Barton Parish Council.

<p>Legal</p>	<p>A neighbourhood development plan has to be prepared in accordance with procedures required by Town and Country Planning Act 1990 as amended, The Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012 (as amended). The council can only 'make' a neighbourhood development plan if it meets the relevant basic conditions and legal requirements.</p> <p>The Neighbourhood Planning (Referendums) Regulations 2012 as amended make provision for the conduct of relevant referendums.</p> <p>If 'made', the Barton Neighbourhood Plan would become part of the development plan, and, in accordance with section 38 of the 2004 Act, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. S38A4(4) provides that a local planning authority to whom a proposal for the making of a neighbourhood development plan has been made (a) must make a neighbourhood development plan to which the proposal relates if more than half of those voting have voted in favour of the plan, and (b) if paragraph (a) applies, must make the plan as soon as reasonably practicable after the referendum is held and, in any event, within 8 weeks of the referendum date. However the authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the plan would breach, or would otherwise be incompatible with, any retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).</p>
<p>Climate Change</p>	<p>The Barton Neighbourhood Development Plan has been prepared in general accordance with the strategic policies of the adopted Wyre Local Plan (2011-2031) (incorporating partial update of 2022). A sustainability appraisal of the Local Plan was undertaken, this considered the economic, social and environmental issues, including climate change.</p>

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
health and safety	x

risks/implications	✓ / x
asset management	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Lucy Embery	01253 887331	lucy.embery@wyre.gov.uk	10/10/2023

List of background papers:		
name of document	date	where available for inspection
Report to Preston City Council and Wyre Borough Council of the examination into the Barton Neighbourhood Development Plan	June 2023	www.wyre.gov.uk/downloads/file/1816/barton-np-examiners-report-6-6-23

List of appendices

Appendix 1 – Barton Neighbourhood Plan