

Report to:	Cabinet Council	Date of Meeting:	7 November 2019 21 November 2019
Subject:	Making the Formby and Little Altcar Neighbourhood Plan		
Report of:	Chief Planning Officer	Wards Affected:	Harington; Ravenmeols;
Portfolio:	Cabinet Member: Planning and Building Control		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

Neighbourhood Plans can be prepared by a local community to guide development in their area. The Local Planning Authority has a legal duty to arrange an independent examination of any Plan submitted to the Council to make sure it meets the 'basic conditions' and determine whether it can go to referendum.

Following examination, the Examiner recommended that the Formby and Little Altcar Neighbourhood Plan proceed to referendum. This was held on 10th October 2019. As long as a simple majority of those who vote (50% + 1) are in favour of the Plan (i.e. agree with the proposals in the Plan), the Council has a legal duty to 'make' (i.e. adopt) it as part of the Development Plan for Sefton.

The purpose of this report is to seek the Council's formal approval to 'make' the Formby and Little Altcar Neighbourhood Plan part of the statutory Development Plan for Sefton as required by the Town and Country Planning Act 1990 and the Localism Act 2011. This will mean that the plans will be used to determine planning applications in Formby and Little Altcar Parishes in addition to the Local Plan.

Recommendation to Cabinet:

That the Cabinet notes that the Formby and Little Altcar Neighbourhood Plan was passed at referendum and recommends that the Council be requested to 'make' the Formby and Little Altcar Neighbourhood Plan and that it becomes part of the Development Plan for Sefton.

Recommendation to Council:

That the Council be requested to 'make' the Formby and Little Altcar Neighbourhood Plan and that it become part of the Development Plan for Sefton.

Reasons for the Recommendation(s):

The preparation of the Formby and Little Altcar Neighbourhood Plan has followed the statutory procedures set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). The plan has successfully undergone examination, has satisfied the basic conditions and is in conformity with the Sefton Local Plan. Where a Referendum results in a majority 'yes' vote, the Local Planning Authority is required to 'make' the Neighbourhood Plan within 8 weeks of the referendum decision in accordance with Regulations. This will enable the Council to use the Formby and Little Altcar Neighbourhood Plan to determine planning applications in those parishes.

Alternative Options Considered and Rejected: (including any Risk Implications)

As set out in the various Neighbourhood Planning Regulations, the referendum and subsequent 'making' of Neighbourhood Plans following a successful referendum is part of the legal process for a community (Neighbourhood Forum or Town or Parish Council) to make a Neighbourhood Plan for its area. As such Sefton Council does not have any option other than to make the plan.

What will it cost and how will it be financed?

(A) Revenue Costs

The Neighbourhood Plan will be implemented by staffing within the Planning Service which are funded from existing budgets.

(B) Capital Costs

None.

Implications of the Proposals:

<p>Resource Implications (Financial, IT, Staffing and Assets): Once 'made' implementing the plan will be from existing resources and not considered to be material.</p>
<p>Legal Implications: The referendum is part of a legal process and the outcome has to be complied with.</p>
<p>Equality Implications: There are no equality implications.</p>

Contribution to the Council's Core Purpose:

<p>Protect the most vulnerable: N/A</p>
<p>Facilitate confident and resilient communities: The Formby and Little Altcar Neighbourhood Plan establishes the community's aspiration for how its area should be developed in the future and enhance its role as a resilient and sustainable community.</p>

Commission, broker and provide core services: N/A
Place – leadership and influencer: N/A
Drivers of change and reform: N/A
Facilitate sustainable economic prosperity: The Plan contains policies that seek to support the development of local businesses, retain land in employment use and retain and enhance retail, office and business uses.
Greater income for social investment: The Plan contains a policy that seeks to support the delivery of infrastructure including to support social investment.
Cleaner Greener The Plan contains policies that seek to provide green infrastructure, support allotments, renewable energy and low energy consumption homes. Policies also seek to protect and enhance residential character, enhance rights of way and provision for pedestrians and cyclists. Further policies seek to avoid increased flooding and flood risk and reduce discharge.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources (FD5821/19) and the Chief Legal and Democratic Officer (LD4045/19) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Consultation, carried out by Formby and Little Altcar Parish Councils, took place at various times during the preparation of the Plan, as required by the Neighbourhood Plan Regulations and national Planning Practice Guidance. Sefton Council also consulted on the Neighbourhood Plan following submission by the Parish Councils, in accordance with the Regulations.

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Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 The Localism Act 2011 gives local communities the right to prepare a Neighbourhood Plan to develop a shared vision for their neighbourhood and shape the development and growth of their local area. The Council has a statutory duty to support this activity.
- 1.2 The process for preparing a Neighbourhood Plan is set out by the [Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#) ('The Regulations') and is subject to several key stages which include:
- Designation of the neighbourhood plan area;
 - Pre-submission publicity and consultation (under Regulation 14);
 - Submission of the plan to the Local Planning Authority;
 - Consultation by the Local Planning Authority (under Regulation 16);
 - Independent Examination;
 - Referendum; and
 - Making the Neighbourhood Plan (i.e. bringing it into force).
- 1.3 Policies in Neighbourhood Plans are used when determining planning applications. It is a requirement that a Neighbourhood Plan contain policies which are broadly in accordance with the strategic policies in the Local Plan. If Neighbourhood Plan policies conflict with non-strategic policies in the Local Plan, the policies in the Plan that was approved most recently take precedence.
- 1.4 Neighbourhood Plans are already in place in Lydiate and Maghull.

2 Plan preparation

- 2.1 Application for the designation of the Formby and Little Altcar Parishes as a Neighbourhood Plan area was made in 2013. Following statutory publicity, the Neighbourhood Plan area was approved by Sefton Council on 12 September 2013.
- 2.2 The parish councils have completed the tasks set out in paragraph 1.2 above, necessary in preparing a neighbourhood plan. These included the preparing and gathering of evidence and undertaking various consultation exercises before drawing up a draft version of the plan, known as the Pre-submission Plan. The Pre-submission Plan underwent consultation (under Regulation 14 of the Regulations) from 31 October to 12 December 2016.
- 2.3 The Pre-submission Plan was amended in response to the comments made and formally submitted to Sefton Council. Sefton Council consulted on the submission version in accordance with Regulation 16 of the Regulations from 27 March to 15 May 2019.
- 2.4 The Plan and supporting documents were then sent to the Council's retained independent examiners, Intelligent Plans and Examinations (IPe) Ltd. Sefton appointed Andrew S Freeman, in agreement with the parish councils, to examine the Plan. The purpose of an examination is to determine whether the Plan meets

the 'Basic Conditions' and other legislative requirements and so proceed to referendum. The 'Basic Conditions' are that the submitted Plan must:

- Have regard to national planning policies
- Achieve sustainability
- Be in general conformity with the strategic policies of the development plan
- Be compatible with EU and European Convention on Human Rights (ECHR) obligations
- Be unlikely to have significant environmental effects

2.5 The [Examiner's Report](#) for the Formby and Little Altcar Neighbourhood Plan was formally received on 12 August 2019. It concluded that, subject to modification, the Plan may proceed to referendum on the basis that all the relevant legal requirements were met.

2.6 The Referendum Version of the Plan is available online together with other 'specified documents' required by the Regulations at www.sefton.gov.uk/neighbourhoodplanning.

2.7 The [decision](#) for the Formby and Little Altcar Neighbourhood Plan to proceed to referendum was made by Cabinet Member: Planning and Building Control on 9 September 2019.

3 Referendum outcome

3.1 The referendum for the Formby and Little Altcar Neighbourhood Plan was held on 10 October 2019. The purpose of the referendum is to confirm that the local community (those on the electoral roll living in the parishes of Formby and Little Altcar) agree with the proposals in the Plan. A simple majority (50%+1) voting 'yes' requires Sefton Council to 'make' (i.e. adopt) the Plan.

3.2 The rules covering all aspects of organising and conducting the poll can be found in the [Neighbourhood Planning \(Referendum\) Regulations 2012](#) (as amended by the [Neighbourhood Planning \(Referendum\)\(Amendment\) Regulations 2013](#) and [2014](#)) and the [Neighbourhood Planning \(General\) Regulations 2012](#).

3.3 The results were declared as follows:

- Formby and Little Altcar – votes 'yes' 2,601; votes 'no' 428 = 85.56% in favour

Further details are available at www.sefton.gov.uk/media/1613724/Declaration-of-Result.pdf

4 Next steps

4.1 As a majority of votes were in favour, the Council is required, in accordance with legislation, to formally 'make' the Formby and Little Altcar Neighbourhood Plan. This means it becomes part of the development plan for Sefton, along with the Local Plan (2017), the Waste Local Plan (2013), Lydiate Neighbourhood Plan (2019) and the Maghull Neighbourhood Plan (2019). It will be given full weight in determining planning applications in the Formby and Little Altcar area.

4.2 The Council is required to 'make' the Plan within 8 weeks of a 'yes' vote at referendum, in accordance with Regulation 18A of the Regulations.