

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER**

TO: COUNCIL

DATE: 17th December 2019

Report Author: Matthew Kennedy
Tel. No: 01282 661709
E-mail: matthew.kennedy@pendle.gov.uk

BARROWFORD NEIGHBOURHOOD PLAN

PURPOSE OF REPORT

To inform members of the outcome of the Referendum on the Barrowford Neighbourhood Plan ["BDNP"] and formally 'make' (adopt) the Plan.

RECOMMENDATIONS

- (1) To make (adopt) the Barrowford Neighbourhood Plan
- (2) To agree to the publication of the Council's Decision Statement

REASONS FOR RECOMMENDATIONS

- (1) To comply with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 and Schedule 4B of the Town and Country Planning Act 1990 (as amended).
- (2) To comply with Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012.

ISSUE

Introduction

Neighbourhood planning was introduced by the Government through the Localism Act 2011. Its purpose is to give communities ownership of planning matters in their area, enable them to influence where development should go and how it might look.

Pendle Council as the local planning authority is required to take decisions at key stages in the process within time limits that apply, as set out in the Neighbourhood Planning (General) Regulations 2012 as amended ("the Regulations").

BDNP Key Stages

Regulation 5 – In July 2015, Barrowford Parish Council submitted an application to designate the Parish of Barrowford as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

Regulation 6 – The Neighbourhood Area was formally designated by Pendle Council’s Executive committee on 22 October 2015.

Regulation 14 – Barrowford Parish Council made the Pre-submission Draft BDNP available for public comment from 23 October 2017 and 8 December 2017.

Regulations 16 and 17 – The first Submission Draft BDNP and supporting documents were submitted to Pendle Council on 6 July 2018. The Parish Council wrote to Pendle Council on 23 August 2018 withdrawing the Plan, so that they could revise and resubmit in due course.

Regulations 16 and 17 – The second Submission Draft BDNP and supporting documents were submitted to Pendle Council on 23 January 2019. Following a statutory six week consultation these documents, together with the valid representations received in response to the consultation, were forwarded to the independent examiner appointed to conduct the examination of the plan on 26 March 2019.

Examination – Mr Robert Bryan BA (Hons) MRTPI, who was appointed to carry out the examination of the BDNP, submitted his report to Pendle Council on 29 August 2019, concluding the formal examination of the plan. The Examiners Report recommended a number of modifications to the BDNP to ensure that it met the Basic Conditions, as required by the Regulations. Subject to these modifications being made it was recommended that the BDNP should proceed to a Referendum.

Regulation 18 – The Examiners recommendations were reported to Policy & Resources Committee on 19 September 2019. A Decision Statement was published the following day confirming that Pendle Council supported the Examiners recommendations and that the BDNP was considered to meet the Basic Conditions and be compatible with EU obligations and human rights legislation, subject to the modifications proposed.

Referendum – The referendum was held on Thursday 14 November 2019. A total of 903 votes were cast – from an electorate of 4,702 – representing a 19% turnout. For the plan to be ‘made’ (adopted) a simple majority vote in favour of the plan (i.e. 50% plus 1) was required. The result of the votes cast in the referendum was as follows:

| | |
|-------------------------------------|-------------|
| Number cast in favour of Yes | 728 (80.6%) |
| Number cast in favour of No | 174 (19.3%) |
| Number rejected | 1 (0.1%) |

More than half of the votes cast responded **Yes** to the question: ‘Do you want Pendle Borough Council to use the Neighbourhood Plan for Trawden Forest to help it decide planning applications in the neighbourhood area?’

The BDNP came into force as part of the statutory development plan once it had been approved at referendum. Alongside the Pendle Local Plan it will be used in the determination of planning applications within the Barrowford Neighbourhood Area.

Next Steps

Regulations 18A – Following a successful referendum, a neighbourhood plan must be ‘made’ (adopted) by the Council within eight weeks of the referendum.

Regulations 19 and 20 – Once ‘made’ the BDNP will be published on the Council website and a formal Decision Statement published, informing those who commented on the BDNP that it is now part of the statutory Development plan for Pendle.

The six week period, to allow for submission of a judicial review claim, ends six weeks after the Council formally issues its Decision Statement

IMPLICATIONS

| | |
|--------------------------------|--|
| Policy: | Following the successful referendum the BDNP became part of the statutory Development Plan for Pendle. It is being used by planning officers to help applications for planning permission that are located within the parish boundary. |
| Financial: | The Government provides funding to local planning authorities to help them meet the cost of their responsibilities for neighbourhood planning. |
| Legal: | The report and recommendations outline the current legal position. The BDNP is considered to have met all legal requirements to be ‘made’ (adopted) by the Council. |
| Risk Management: | None arising directly from the report. |
| Health and Safety: | None arising directly from the report. |
| Sustainability: | None arising directly from the report. |
| Community Safety: | None arising directly from the report. |
| Equality and Diversity: | None arising directly from the report. |

APPENDICES

Appendix 1: Decision Statement

LIST OF BACKGROUND PAPERS

The Neighbourhood Planning (General) Regulations 2012, as amended.

Barrowford Neighbourhood Plan Final version, October 2019.