

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

TO: COUNCIL

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KELBROOK & SOUGH NEIGHBOURHOOD PLAN

PURPOSE OF REPORT

To inform members of the outcome of the referendum on the Kelbrook and Sough Neighbourhood Plan ["K&SNP"] and formally adopt the Plan.

RECOMMENDATIONS

- (1) To formally 'make' (adopt) the Kelbrook and Sough 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").

K&SNP Key Stages

Regulation 5 – On 19 June 2017, Kelbrook and Sough Parish Council [“the Parish Council”] submitted an application to designate the Parish of Kelbrook and Sough as a neighbourhood area for the purposes of preparing a neighbourhood plan. Between 22 July 2017 and 19 August 2017, a public consultation was held to consider and allow comment on the proposed boundary for the neighbourhood plan area.

Regulation 6 – The neighbourhood area was formally designated by Pendle Council’s Executive committee on 24 August 2017.

Regulation 14 – The Parish Council carried out a number of informal consultation exercises to help prepare the K&SNP. On 13 September 2021, they issued the Pre-Submission draft K&SNP for a six week public consultation. This provided residents, businesses and other interested parties with an opportunity to comment on the plan proposals.

Regulations 16 and 17 – The Submission draft K&SNP and supporting documents were received by Pendle Council on 18 February 2022. 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 28 April 2022.

Examination – Mr. Andrew Ashcroft BA (Hons) M.A. EMS MRTPI was appointed to carry out the examination of the K&SNP. He submitted his report to Pendle Council on 11 July 2022, concluding the formal examination of the plan. The Examiners Report recommended a number of minor modifications to the K&SNP to ensure that it met the Basic Conditions, as required by the Regulations. Subject to these modifications being made it was recommended that the K&SNP should proceed to a public referendum.

Regulation 18 – The examiner’s recommendation was reported to Policy & Resources Committee on 25 August 2022. A Decision Statement was published the following day confirming that Pendle Council supported the Examiners recommendations and that the K&SNP was considered to meet the Basic Conditions and be compatible with EU obligations and human rights legislation.

Referendum – The referendum was held on Thursday 27 October 2022. A total of 196 votes were cast – from an electorate of 760 – representing a 25.8% 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	182	(93%)
Number cast in favour of No	14	(7%)

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

Having been approved at referendum, the K&SNP duly came into force as part of the statutory development plan. Alongside the Pendle Local Plan the K&SNP will be used to help determine applications for planning permission within the 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 – The K&SNP will be published on the Council website and a formal Decision Statement will be published, informing those who commented on the K&SNP that it is now part of the statutory Development plan for Pendle.

IMPLICATIONS

Policy:	Following the successful referendum the K&SNP became part of the statutory Development Plan for Pendle. It is being used by planning officers to help determine applications for planning permission 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 K&SNP is considered to have met all legal requirements to be ‘made’ (adopted) by the Council.
Risk Management:	None identified.
Health and Safety:	None identified.
Sustainability:	None identified.
Community Safety:	None identified.
Equality and Diversity:	None identified.

APPENDICES

Appendix 1: Decision Statement

LIST OF BACKGROUND PAPERS

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

Kelbrook and Sough Neighbourhood Plan Final version, July 2022