

INDIVIDUAL CABINET MEMBER DECISION

Halton-with-Aughton Neighbourhood Development Plan

Report of the Chief Officer – Planning and Climate Change

PURPOSE OF REPORT			
To request authorisation for the submission of the Halton-with-Aughton Neighbourhood Development Plan for independent examination and endorsement of the Council's response to the Regulation 16 Consultation.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/> Referral from Cabinet Member
Date of notice of forthcoming key decision	N/A		
This report is public			

RECOMMENDATIONS OF COUNCILLOR TYLDESLEY

- (1) That the content of the Council's response to the Halton-with-Aughton Neighbourhood Development Plan (as set out in Appendix A of this Report) is noted and submission of the response to help inform the independent examination is approved.
- (2) The submission of the Halton-with-Aughton Neighbourhood Development Plan for independent examination is approved.

1.0 INTRODUCTION

- 1.1 Neighbourhood planning is promoted in accordance with the Localism Act 2011 as a method for communities to address planning matters at a very local level through the preparation of a neighbourhood plan. A neighbourhood plan can allow the community to plan positively for future growth allowing them to identify how and where new development should be promoted and tackle a range of planning issues which are pertinent to their area.
- 1.2 The preparation of a neighbourhood plan involves consultation with the local community and a range of other stakeholders, examination by an independent examiner to test it against basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions are:
 - (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
 - (b) The making of the neighbourhood plan contributes to the achievement of sustainable development.

- (c) 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).
- (d) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- (e) The prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal. The prescribed condition in relation to Plans is:
 - The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (Habitat Regulation Assessment) in relation to the examination of neighbourhood development plans.

- 1.3 The independent examiner will recommend amendments where they are considered necessary to meet the basic conditions and to create a neighbourhood plan fit for purpose. On completion of the independent examination and once the necessary amendments have been made, a parish referendum will be held. If over 50% of those voting are in favour of the neighbourhood plan, it will become part of the Local Development Plan for the district and will be a material consideration in the decision-making process.

2.0 BACKGROUND

- 2.1 Halton-with-Aughton is one of twelve areas within the district which have been designated for the purposes of Neighbourhood Planning. This designation was proposed by the Halton-with-Aughton Parish Council (Parish Council) in March 2015 and subsequently approved by Lancaster City Council (Council) in October 2015.
- 2.2 Since designation the Parish Council has been working on the preparation of a Neighbourhood Plan for their area, seeking to tackle a range of planning issues important to the community. The Parish Council have been assisted by external planning consultations and the Council who have provided planning support and advice.
- 2.3 In July 2024 the Parish Council published a draft Halton-with-Aughton Neighbourhood Development Plan (Neighbourhood Plan) for consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. The Council prepared an informal response to the draft Neighbourhood Plan. This response was provided to help the Parish Council address potential issues as they sought to finalise their Neighbourhood Plan.
- 2.4 The Parish Council has now finalised their Neighbourhood Plan and have submitted it to the Council in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. The Council is now carrying out the formal Regulation 16 consultation as required. This consultation began on 10th March 2025 and will last for a 6-week period, concluding on 28th April 2025. As part of the process the Council is expected to provide a response to help inform the independent examiner and produce a Neighbourhood Plan that will form a positive addition to the Development Plan.
- 2.5 Once the Regulation 16 Consultation is complete the Council is under an obligation to submit the Neighbourhood Plan for independent examination.

3.0 SUMMARY OF THE DRAFT RESPONSE

- 3.1 The Council is not required to assess whether the Neighbourhood Plan meets the basic conditions at this stage. That is the role of the independent examination. The response is intended to provide support to the independent examiner.
- 3.2 The Neighbourhood Plan is considered to provide a robust and appropriate response to planning matters in accordance with national and local plan policies. The Neighbourhood Plan policies build upon those within the Local Plan and reflect the designation of the settlements within the Parish, either a 'Sustainable Rural Settlement' (Halton) or a 'Rural Village' by policy SP2 of the Strategic Policies and Land Allocations DPD. The Neighbourhood Plan supports development to meet identified needs and the development of infill and previously developed sites thus contributing to sustainable development and conforming with the strategic policies within the Local Plan.
- 3.3 Around half of the Parish is within the Forest of Bowland National Landscape. The Neighbourhood Plan includes policies which seek to conserve and enhance this area in conformity with national and local policies. Policies also address the historic environment.
- 3.4 Policies support flood risk mitigation and reduction, encourage high quality sustainable design and active travel and seek to protect open green spaces and community facilities that are important to the community. These policies are consistent with national and local plan policies.
- 3.5 There are some areas of the Neighbourhood Plan which are considered to require amendment to improve the clarity and there are concerns about some of the justification for proposed Local Green Spaces. These issues have been raised in the attached response.
- 3.6 A copy of the draft response is attached at Appendix A.

4.0 SUBMISSION FOR INDEPENDENT EXAMINATION

- 4.1 On receipt of a neighbourhood plan and Council should check that the submission includes the necessary documents and that it has been prepared in accordance with the required procedure. It is considered that these requirements have been met. More information is available in the draft response attached at Appendix A.
- 4.2 If the submission meets the legal requirements, a Council is obligated to submit the neighbourhood plan for independent examination.

5.1 OPTIONS AND OPTIONS ANALYSIS (including Risk Assessment)

- 4.1 Once a neighbourhood plan is submitted and the Council have ascertained the submission includes the necessary documents and it has been produced in accordance with the legislation, the Council is under a legal duty to publicise the neighbourhood plan and submit it for independent examination.
- 4.2 Failure to publicise and submit the Halton-with-Aughton Neighbourhood Plan for independent examination would be a breach of the legislative requirements. It is therefore considered necessary that the Neighbourhood Plan is submitted for independent examination on completion of the Regulation 16 consultation.

- 4.3 The Council has a duty to provide advice and guidance to neighbourhood plan groups. The extent of the advice and guidance is not prescribed so the Council have the option whether to provide comments at this stage. Should the Council decide not to provide a response it is likely that the examiner will request the Council clarify their position as part of the examination process. There is a risk that if the Council fails to set out their position prior to the examination, any issues and concerns will not be addressed and the Council will be left to make use of a neighbourhood plan which is not fully fit for purpose in terms of determining future development and planning applications.
- 4.4 The Council has a duty to provide advice and guidance to neighbourhood plan groups to give them the best opportunity of preparing a plan which will meet the basic condition. It is therefore considered important that a response is provided so that any issues can be adequately considered by the independent examiner.

5. CONCLUSIONS

- 5.1 It is hoped that the response to the Neighbourhood Plan will ensure that any outstanding matters of concern can be fully considered by the independent examiner and be satisfactorily addressed.

RELATIONSHIP TO POLICY FRAMEWORK

Neighbourhood Planning contributes to the Council's corporate plan priorities, in particular, sustainable economic growth.

Once adopted, neighbourhood plans form part of the Council's Lancaster District Local Plan.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

A neighbourhood plan will directly impact local communities. However, this impact will be subject to the plans focus e.g. housing, local facilities, open space etc. Equality and diversity and sustainability impact assessments will be required as part of the neighbourhood plan development process.

Neighbourhood planning provides rural communities with an opportunity to shape future development in their area, as well as helping to protect and conserve their heritage and environment (in line with the District's Local Plan and national planning policy guidance).

LEGAL IMPLICATIONS

The Council's Legal duties are set out within the body of this Report and within the relevant sections of the Localism Act 2011.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with the request to endorse the content of the Council response to the Halton-with-Aughton Neighbourhood Plan. Staff time has been/will be covered from within existing resources.

As noted in the original report back in 2015, the referendum stage will incur costs for the Council. These are funded by MHCLG and will be subject to a further report prior to commencement.

OTHER RESOURCE IMPLICATIONS

Human Resources:

Officer support has been put in place for neighbourhood planning.

Information Services:

None.

Property:

None.

Open Spaces:

None.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments to add.

MONITORING OFFICER'S COMMENTS

Whilst consultations are normally responded to by Council Business Committee the Monitoring Officer is satisfied that the response to the Neighbourhood Plan sits better with the portfolio holder for planning as it forms part of the decision to submit the plan itself for inspection.

BACKGROUND PAPERS

Appendix A - Halton-with-Aughton
Neighbourhood Development Plan Lancaster
City Council Response to Regulation 16
Consultation April 2025.

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