

Report to:	Executive Cabinet Member for Strategic Housing and Planning		
Date of meeting:	3 rd December 2019		
Report of:	Director of Place	Report number:	ECMSHP/637
Contact officer:	Simon Godley Strategy Manager	Telephone number	6111
Report title:	Blackrod Neighbourhood Plan examiner's report		
Not confidential			
This report does not contain information which warrants its consideration in the absence of the press or members of the public.			
Purpose:	To advise of the receipt of the Examiner's Report on the Blackrod Neighbourhood Plan and make a recommendation to a meeting of the council about whether the Plan should proceed to a referendum		
Recommendations:	The Executive Cabinet Member is recommended to: Recommend to a meeting of the council that the submitted Blackrod Neighbourhood Plan, subject to the modifications proposed by the examiner, should proceed to referendum		
Decision:			
Background documents:	Submitted Blackrod Neighbourhood Plan Blackrod Neighbourhood Plan Examiner's Report		
Signed:	Leader/Executive Cabinet Member	Monitoring Officer	
Date:			

Consultation with other officers		
Finance	Yes	David Shepherd
Legal	Yes	Nicola Raby
HR	No	N/A
Equality Impact Assessment required?	Yes	Tammy Tatman
(a) Pre-consultation reports Is there a need to consult on the proposals?		No
(b) Post consultation reports Please confirm that the consultation response has been taken into consideration in making the recommendations.		
Vision outcomes	1. Start Well	x
	2.Live Well	x

Please identify the appropriate Vision outcome(s) that this report relates or contributes to by putting a cross in the relevant box.	3.Age Well	x
	4.Prosporous	x
	5. Clean and Green	x
	6.Strong and Distinctive	x

1. **INTRODUCTION & BACKGROUND**

1.1 The 2011 Localism Act introduced a right for communities to produce neighbourhood plans. These plans were introduced to provide local communities with the means to develop a shared vision for their neighbourhood and shape the development and growth of their local area, where they chose to do so. Neighbourhood Plans, if supported by success at referendum at the end of the process, become part of the Development Plan and the policies contained within them are then used in the determination of planning applications. They must be in general conformity with national planning policies and the strategic policies of the Local Plan; they should not promote less development than set out in the Local Plan, nor undermine its strategic policies. The Local Plan in Bolton currently consists of the Core Strategy, the Allocations Plan, and the Greater Manchester Mineral and Waste Plans.

1.2 Parish councils have the power to formulate a Neighbourhood Plan. Bolton Council, as Local Planning Authority, also has statutory responsibilities to fulfil at different stages in the preparation.

1.3 Bolton Council designated the Blackrod Neighbourhood Plan area in July 2016 and since that time, Blackrod Council and Bolton Council have followed the statutory processes for neighbourhood plan preparation. The Town Council prepared a draft Neighbourhood Plan and consulted on that in December 2018 and January 2019. In the light of the consultation responses, they prepared a further Plan and submitted it to Bolton Council in June 2019. Bolton Council then carried out consultation on the submitted plan and received representations.

1.4 The submitted plan contains introductory and contextual sections, a vision and objectives. Planning policies are grouped under the following headings

- Housing and design
- Transport infrastructure
- Natural environment
- Public realm
- Community facilities
- Retail
- Employment and economy
- Heritage

1.5 The policies are designed to add to the policies in the Local Plan and make them more specific to Blackrod. There are a number of proposed policies of particular note;

- A requirement for 215 homes between 2018 and 2033, a figure that reflects an apportionment of Bolton's overall local housing need
- A local occupancy policy for social housing

- An additional housing site on land at Vicarage Road West, specifically for older people; the land is identified as protected open land in the Bolton Local Plan.
- Minimum parking standards, rather than maximum standards as in the Local Plan
- The identification of Local Green Spaces, which give greater protection to open spaces than in the Local Plan
- The identification of views and vistas that should be protected from unsympathetic development
- The identification of a 'local list' of buildings of heritage interest, with an associated policy

1.6 In July 2019, Bolton Council appointed an independent examiner whose role was to prepare a report to consider whether the Plan:

- Meets the basic conditions, i.e. conforms with national planning policy and local strategic policies; would result in sustainable development; and meets the requirements of European regulations for protecting the environment and for Human Rights; and.
- Satisfies the legal requirements for neighbourhood plans

1.7 The examiner must also identify an appropriate area for a referendum

1.8 The examiner considered the submitted plan and the representations made on it. He has now sent his report to Bolton Council, who must now decide whether the Neighbourhood Plan should proceed to a referendum, and if so, whether the Plan should be modified in line with the examiner's recommendations. The referendum would allow everybody in the designated plan area to vote on whether they wished to support the Plan or not. The examiner's report is appended.

2. MAIN BODY OF THE REPORT

2.1 Subject to the recommendations in the report, the examiner has found that

- 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, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

2.2 The examiner recommends that, subject to modification, the Plan should proceed to a referendum, based on the Blackrod Neighbourhood Area.

2.3 The examiner has recommended a number of modifications to the submitted plan. Appendix 2 sets out in detail how the examiner has recommended the Plan should be modified. The recommended modifications include structural changes to the format of the Plan to make it clearer; amended wording to policies to ensure that they are in line with national and strategic local planning policy; the deletion of some policies because they do not relate to land use planning and their inclusion in the text of the Plan, and the complete deletion of a small number of policies because they are not in conformity with national or strategic local policy.

2.4 On the policies highlighted in paragraph 5, the examiner has made the following recommendations

- The housing requirement of 215 is supported subject to a modification of making it a minimum
- The deletion of the local occupancy condition because it is not a land-use planning policy and is not in conformity with the Local Plan
- The additional housing site at Vicarage Road West is supported subject to some changes in the wording of the policy
- The deletion of the minimum parking standards because it is not justified why they should apply to Blackrod
- Supporting the principle of Local Green Space designations, subject to changes in wording and clear site plans
- Supporting the principle of the vistas and views policy, subject to changes in the wording
- Supporting the local list of heritage buildings, but with changes to the wording of the associated policy

3. **OPTIONS**

3.1 Bolton Council now has a choice of three options on how the Neighbourhood Plan can proceed.

- It can approve the Plan for referendum in accordance with the modifications recommended by the examiner
- It can approve the Plan for referendum not in accordance with the modifications recommended by the examiner. It would need to be sure that the plan meets the basic conditions despite not making the recommended modifications. If it were to do this, then there is a statutory requirement to carry out further consultation before a referendum.
- It can refuse to approve the Plan for referendum. It can only do this if it considers that the Plan cannot meet the basic conditions

3.2 It is recommended that the Plan is approved for referendum in accordance with the modifications recommended by the examiner. The recommendations do ensure

that the basic conditions are met. There are no sound planning or legal reasons why there should be a departure from the recommended modifications.

4. **IMPACTS AND IMPLICATIONS:**

4.1 Bolton Council's standing orders mean that any resolution to approve or refuse the Plan for referendum must be made by a meeting of the Council. If a Council meeting resolves to approve the Plan, then Bolton Council must organise a referendum to include all registered voters within the designated Blackrod Neighbourhood Plan area. The referendum would ask the question, 'Do you want Bolton Council to use the neighbourhood plan for Blackrod to help it decide planning applications in the neighbourhood area?'.

4.2 Should more than half of those voting vote in favour of the Neighbourhood Plan, the Plan comes into force as part of the statutory development plan for the area, as soon as the referendum result is known. Planning applications in the designated Blackrod Neighbourhood Plan area must then be made in accordance with the policies of the Neighbourhood Plan, and the other parts of the adopted development plan, unless material considerations indicate otherwise. Bolton Council must resolve to 'make' the plan within 8 weeks of a positive result in the referendum.

Financial (if no financial impacts/implications state "NONE")

Bolton Council must pay for the cost of the referendum. It is eligible for a grant of £20,000 from the Government, once the referendum date is set. This grant will cover the cost of appointing the examiner, as well as the cost of the referendum.

Legal (if no legal impacts/implications state "NONE")

Bolton Council must follow the relevant legislation for neighbourhood plans in the approval of the Plan for referendum, carrying out the referendum and making the Plan.

HR (if no HR impacts/implications state "NONE")

None

Other (if no other impacts/implications state "NONE")

None

5. **EIA**

5.1 Under the Equality Act 2010, the Council must have due regard to:

- Eliminating unlawful discrimination, harassment, and victimisation, and any other conduct prohibited by the Act;

- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it;
- Fostering good relations between people who share a protected characteristic and people who do not share it.

5.2 It is therefore important to consider how the proposals contained within this report may positively or negatively affect this work. To support this analysis, an Equality Impact Assessment (EIA) has been carried out on the proposals outlined in this report and is attached at Appendix 3. It is anticipated that the proposals will have a positive effect with regards to socio-economic factors concerning Bolton's diversity groups.

6. **CONSULTATION**

6.1 If the recommendation is followed, then there is no requirement to carry out consultation, other than the referendum itself. Consultation has been carried out at earlier stages in the preparation of the Plan, both by Blackrod and Bolton Councils.

7. **VISION 2030**

7.1 If the Blackrod Neighbourhood Plan is supported by the referendum and becomes part of the development plan for Bolton, then it will have an influence on the location and design of development, benefitting everybody that lives in Blackrod, promoting it as a suitable location for economic investment, and enabling environmentally sustainable development.

8. **RECOMMENDATIONS**

8.1 The Executive Cabinet Member is recommended to:
Recommend to a meeting of the council that the submitted Blackrod Neighbourhood Plan, subject to the modifications proposed by the examiner, should proceed to referendum