



East Lindsey

DISTRICT COUNCIL

REPORT TO:	Executive Board
DATE:	5 th July 2023
SUBJECT:	Requesting Executive Board to 'make' the Skegness Neighbourhood Plan.
KEY DECISION:	<i>Yes (affects multiple wards)</i>
PORTFOLIO HOLDER:	Cllr Tom Ashton
REPORT AUTHOR:	Simon Milson (Planning Policy Service Manager)
WARD(S) AFFECTED:	The wards comprising of Skegness. It will also have the potential to in-directly affect other wards as a result of planning decisions.
EXEMPT REPORT?	<i>No</i>

SUMMARY

This report introduces the Skegness Neighbourhood Plan, which has now passed a referendum. The report leads to the recommendation that the Executive 'make' the Plan.

The ability for local neighbourhoods to produce their own Neighbourhood Plan was introduced in the Localism Act 2011¹ (with amendments to the Planning Act 1990 and the Planning and Compulsory Purchase Act 2004). Subsequent legislation² set out the process for carrying this out and includes the requirement for public consultation, Independent Examination, and a local referendum. If more than half of those voting in the referendum are in favour, then it becomes part of the Development Plan for East Lindsey and must be used (in conjunction with the East Lindsey Local Plan) for decision making on planning applications³.

¹ <https://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

² <https://www.legislation.gov.uk/ukxi/2012/637/contents/made>
<https://www.legislation.gov.uk/ukdsi/2014/9780111107584/contents>
<https://www.legislation.gov.uk/ukxi/2015/20/contents/made>

³ <https://www.gov.uk/guidance/neighbourhood-planning--2>

As part of the process, under section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended by schedule 9 of the 2011 Act), the Council must 'make' the Neighbourhood Plan unless it fails to satisfy certain criteria, which are discussed in the report below

RECOMMENDATIONS

That the Executive on behalf of the Council as Local Planning Authority make the Skegness Neighbourhood Plan.

REASONS FOR RECOMMENDATIONS

The Neighbourhood Development Plan has been through Independent Examination via written representations and has passed a local referendum, therefore the legislation requires the Council to make the plan unless any of the scenarios set out section 38A(6) exist. Officers consider that that none of the scenarios exist in this case.

OTHER OPTIONS CONSIDERED

Do nothing: this would be contrary to the legislative requirements placed on the Council as Local Planning Authority to either 'make' or refuse to 'make'.

REPORT

- 1.1** The Skegness Neighbourhood Plan (NP) has been prepared by a group led by the Skegness Town Council. The NP area was designated on 11th August 2016. The NP runs until the year 2031. The Plan has been subject to consultation carried out at various stages and in accordance with the legislative requirements (known as regulation 14 and regulation 16 consultations). The Plan has been subject to examination by an independent examiner in accordance with the Localism Act 2011 and The Neighbourhood Planning (General) Regulations 2012.
 - 1.2** The examiner's role is to ensure that the Plan meets the legal requirements and basic conditions and is therefore able to proceed to referendum.
 - 1.3** The basic conditions are:
 - 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
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- The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

14. The examiner was satisfied that, subject to the recommended modifications, the Skegness NP is capable of meeting the legal requirements and basic conditions. The examiner stated in their report:

“This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area”

15. A copy of the Examiner’s report and the associated documents can be viewed on the Council’s website⁴.

16. Following the examination, the Plan was modified in line with the examiner’s recommendations before the Plan was put to referendum.

17. It should be noted that the initial referendum had to be rearranged due to clerical errors that led to an incorrect version of the Neighbourhood Plan being displayed for public viewing. Whilst this was resolved prior to the referendum, it was considered appropriate to postpone the referendum in order to ensure all interested parties had the opportunity to view the correct Neighbourhood Plan.

18. The referendum was duly held on the 18th May 2023. The referendum was open to those registered to vote in the parish of Skegness. The results are set out below.

For: 1048

Against: 224

Result: passed

19. The Planning and Compulsory Purchase Act 2004 sets out the requirement for a Council to ‘make’ a Neighbourhood Development Plan in section 38A (4):

“(4) A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made—

(a) must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan, and

(b) if paragraph (a) applies, must make the plan as soon as reasonably practicable after the referendum is held.”

⁴ <https://www.e-lindsey.gov.uk/article/6137/Skegness-Neighbourhood-Development-Plan>

1.10. Section 38A (6) of the same Act sets out the circumstances where the authority does not have to carry out that duty (do not have to make the plan):

“(6) The authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).”

1.11. The Neighbourhood Plan allocates 3 sites for development, but these are small-scale, previously developed but redundant sites, the development of which is likely to have minimal wider social impact. The Plan does not include any policies that directly respond to or affect minority groups, e.g. those from the Gypsy/Traveler/Show People communities or from ethnic backgrounds.

1.12. Officers are not aware of any elements of the Plan, or issues that have been raised that would be in breach of, or be incompatible with, the legislation mentioned in 38A (6). The examiner did not raise any concerns in relation to the same. Furthermore nothing was raised in relation to this during the examination or during the rounds of consultation.

1.13. In light of the above, having considered all relevant factors, it is recommended that the Council formally makes the Neighbourhood Plan and it therefore becomes part of the Development Plan for decision-making purposes.

CONCLUSION

The Skegness Neighbourhood Plan has been through the required steps and has passed the local referendum. The conclusion is that it should be made by the Executive Board.

EXPECTED BENEFITS TO THE PARTNERSHIP

Neighbourhood Planning gives local communities the ability to have an input into how development occurs in their local areas. This allows them to help to shape and improve the environment around them.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCIL’S PARTNERSHIP

Where relevant, the NDP must be taken into account when making decisions on Planning Applications.

CORPORATE PRIORITIES

none

STAFFING

none

CONSTITUTIONAL AND LEGAL IMPLICATIONS

none

DATA PROTECTION

none

FINANCIAL

none

RISK MANAGEMENT

Any risks have been highlighted and addressed in the above report. No outstanding unmanaged risks remain.

STAKEHOLDER / CONSULTATION / TIMESCALES

A Neighbourhood Development Plan (NDP) undergoes a high level of public consultation at various stages.

The Local Ward Councillor(s) have also been aware of and involved with the NDP process.

REPUTATION

none

CONTRACTS

none

CRIME AND DISORDER

none

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

none

HEALTH AND WELL BEING

none

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None. This is addressed as part of the NDP process, including sustainability appraisals and habitat regulation assessments where appropriate.

ACRONYMS

NDP – Neighbourhood Development Plan

APPENDICES

(If none then insert the word 'None' and delete the below text/boxes).

Appendices are listed below and attached to the back of the report: -

APPENDIX A	<i>Skegness Neighbourhood Development Plan: Skegness_Neighbourhood_Plan_-_Referendum_Version_-_September_2022_v.2 Skegness_Neighbourhood_Plan_Policies_Map_-_Referendum_Version_-_September_2022</i>

BACKGROUND PAPERS

(If none then insert the wording 'No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.' Also delete the below text/boxes.)

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
<i>No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.</i>	<i>Background information on the plan-making process including Examiners report - https://www.e-lindsey.gov.uk/article/6137/Skegness-Neighbourhood-Development-Plan</i>

REPORT APPROVAL

Report author:	Simon Milson (ELDC)
Signed off by:	Miked Gildersleeves (ELDC)
Approved for publication:	Tom Ashton (ELDC)