

Full Council

14 March 2017



Report of: Barra Mac Ruairi, Strategic Director Place

Title: Lawrence Weston Neighbourhood Development Plan

Ward: Avonmouth and Lawrence Weston

Member Presenting Report: Cllr Helen Holland Cabinet, Member for Place

Recommendation

1. That Council notes the outcome of the referendum on the Lawrence Weston Neighbourhood Development Plan held on 23rd February 2017.
2. That the Council makes (approves) the Lawrence Weston Neighbourhood Development Plan.
3. That the Council makes the Lawrence Weston Neighbourhood Development Plan part of the Development Plan for Bristol.
4. That the Council congratulates the members of the Lawrence Weston Neighbourhood Planning Forum on their contribution to place making in Lawrence Weston and on producing the second Neighbourhood Development Plan in Bristol

Summary

To confirm the Lawrence Weston Neighbourhood Development Plan as part of the statutory Development Plan for Bristol.

To use the neighbourhood development plan for Lawrence Weston to help decide planning applications in the neighbourhood area.



The significant issues in the report are:

The referendum on the Lawrence Weston Neighbourhood Development Plan held on 23rd February 2017 found in favour of using the neighbourhood development plan for Lawrence Weston to help decide planning applications in the neighbourhood area. The Council is now recommended to make the Lawrence Weston Neighbourhood Development Plan part of the Development Plan for Bristol.

Policy

1. The Lawrence Weston Neighbourhood Development Plan has been considered by an independent examiner and found to be consistent with the National Planning Policy Framework and the Council's strategic planning policies as set out in the adopted Bristol Local Plan - Core Strategy, and Site Allocations and Development Management Policies Local Plan.

Consultation

2. **Internal**
Strategic Leadership Team
3. **External**
Statutory stakeholder and community stakeholders and organisations.

Context

4. The Lawrence Weston Neighbourhood Development Plan has been prepared by the Lawrence Weston Neighbourhood Planning Forum. The Lawrence Weston Neighbourhood Planning Area and Neighbourhood Planning Forum were designated in accordance with the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012. The Lawrence Weston Neighbourhood Planning Forum was designated on 1st May 2013. The boundary of the Lawrence Weston Neighbourhood Development Plan is set out in Appendix 1.
5. The neighbourhood development plan, prepared by the neighbourhood planning forum in consultation with the local community, was submitted to the Council and subject to independent examination in March 2016. The plan has been modified in accordance with the recommendations of the independent examiner. It was determined on 19th December 2016 to comply with the legal requirements and basic conditions set out in Schedule 4B of the Town and Country Planning Act 1990 and the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The neighbourhood development plan therefore proceeded to referendum on Thursday 23rd February 2017.

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6. The referendum was held of those on the electoral roll within the designated Lawrence Weston Neighbourhood Development Plan Area. The question asked in the referendum was:

“Do you want Bristol City Council to use the neighbourhood plan for Lawrence Weston to help it decide planning applications in the neighbourhood area?”

The outcome of the referendum was 94% majority in favour of the proposal.

Turnout: 639

voting yes: 598 94%

Voting no: 39 6%

Spoilt ballots: 2

7. In accordance with the Planning and Compulsory Purchase Act 2004 s38A (4) the council is now required to make the Neighbourhood Development Plan part of the Development Plan for Bristol as soon as reasonably practical unless it considers that this would breach, or be incompatible with any EU obligation or any of the Convention Rights. This brings the NDP into legal force with the same legal status as the Bristol Local Plan.
8. It is considered that the Lawrence Weston Neighbourhood Development Plan as modified will not breach or be incompatible with any European Union obligation or any of the Convention Rights, within the meaning of the Human Rights Act 1998. Officers have considered these issues throughout the preparation process for the NDP and no conflict with EU obligation or Convention Rights is apparent.

Proposal

9. As the decision in favour of the neighbourhood development plan was taken at referendum by the community, there is no recommendation from Cabinet to the Mayor. The recommendation is from the Mayor to Council. The Lawrence Weston Neighbourhood Development Plan should be made part of the Development Plan for Bristol, and the policies of the neighbourhood development plan be used to help make decisions on planning applications within the boundary of the Lawrence Weston Neighbourhood Planning Area.
10. The preparation of the neighbourhood development plan has required significant commitment and effort on the part of a number of members of the Lawrence Weston community and supporters and this personal effort to improve local place-making is recognised.

Other Options Considered

11. No other options are considered as the neighbourhood development plan, as agreed at referendum meets the requirements of the Planning and Compulsory Purchase Act 2004.

Risk Assessment

12. Confirmation of the Lawrence Weston Neighbourhood Development Plan as part of the Development Plan for Bristol necessary in accordance with the Planning Acts as set out in paragraph 7 above. Failure to make the plan would be in conflict with the Planning Acts.

FIGURE 1

The risks associated with the implementation of the (subject) decision :

RISK	INHERENT RISK		RISK CONTROL MEASURES	CURRENT RISK		RISK OWNER
	Impact	Probability		Impact	Probability	
Threat to achievement of the key objectives of the report			Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).			
Risk of making Lawrence Weston Neighbourhood Development Plan part of the Development Plan for Bristol	Low	Low	LW NDP has been considered by independent examination and modifications made have been done so in accordance with the examiner's recommendations to ensure compliance with the Basic Conditions as set out.	Low	Low	Sarah O'Driscoll

FIGURE 2

The risks associated with not implementing the (subject) decision:

RISK	INHERENT RISK		RISK CONTROL MEASURES	CURRENT RISK		RISK OWNER
	Impact	Probability		Impact	Probability	
Risk of not agreeing to make Lawrence Weston Neighbourhood Development Plan part of the Development Plan for Bristol – likely to result in a judicial review on process as there are no defined grounds for this decision which must be made in accordance with the Planning Acts and regulations.	High	High	LW NDP has been considered by independent examination and modifications made have been done so in accordance with the examiner's recommendations to ensure compliance with the Basic Conditions as set out.	High	Medium	Sarah O'Driscoll

Public Sector Equality Duties

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to:
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;

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- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
- tackle prejudice; and
 - promote understanding.

8b) Engagement with equalities communities and consideration of relevant issues has been undertaken as part of the preparation of The Lawrence Weston Neighbourhood Development Plan. The Plan has also been assessed in terms of its general conformity with Strategic Policies in the Bristol Local Plan, which have been subject to an EqIA, as part of its compliance with the Basic Conditions. The examination found that the NDP complies with the basic conditions and is therefore fit to be made part of the development plan for Bristol. The Lawrence Weston Neighbourhood Development Plan as modified will not breach or be incompatible with any European Union obligation or any of the Convention Rights, within the meaning of the Human Rights Act 1998.

Legal and Resource Implications

Legal

The preparation of the Lawrence Weston Neighbourhood Development Plan, its progression to referendum and the decision to make the neighbourhood development plan part of the Development Plan for Bristol is in accordance with the relevant provisions of the Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004, the Localism Act 2011 and associated regulations.

(Legal advice provided by Joanne Mansfield (Lawyer) 16th February 2017)

Financial

(a) Revenue

There are no on-going revenue financial implications for the Lawrence Weston Neighbourhood Development Plan. The use of the policies will be incorporated within the Development Plan for Bristol and will be applied through the planning decision process. Preparation of the neighbourhood development plan was supported by the community, by funds from Communities, government grant and general fund.

(b) Capital

There are no capital financial implications.

(Financial advice provided by Tian Ze Hao Finance Business Partner - Place)

Land

The Lawrence Weston Neighbourhood Development Plan promotes housing development on sites owned by the City Council and accords with the Council's wish to ensure sustainable housing development with appropriate tenures is delivered. The plan proposes that current Council policy on the provision of affordable homes should be maintained, however the split between social rent and equity share to respond to local needs and be provided on a 50/50 basis. This accords with current planning guidance on part of the demolished City of Bristol College site. The proposed Council led housing development on Henacre – 150 units is supported within the community plan as is the retail led development on part of the demolished City of Bristol College site.

(Land advice provided by: Robert Orrett – Service Director Property)

Personnel

There are no direct Human Resources implications for the Council arising from these recommendations.

(Personnel advice provided by Mark Williams - Place Business Partner)

Appendices:

Appendix 1 - The boundary of the Lawrence Weston Neighbourhood Development Plan

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

Lawrence Weston Neighbourhood Development Plan as approved at referendum available [here](#)

<https://www.bristol.gov.uk/documents/20182/1369021/Lawrence+Weston+NDP+version+for+referendum/35ad3146-9a38-44c3-866e-12ba9d0bf70c>

Appendix 1

