

BRISTOL CITY COUNCIL

FULL COUNCIL

15 MARCH 2016

Report of: Barra Mac Ruairi, Strategic Director - Place

Title: Old Market Quarter Neighbourhood Development Plan

Ward: Lawrence Hill, Cabot

Report author: Sarah O'Driscoll, Service Manager –
Strategic City Planning

Contact Telephone Number: 0117 903 6722

Contact e-mail address: sarah.odriscoll@bristol.gov.uk

RECOMMENDATION

1. That Council notes the outcome of the referendum on the Old Market Neighbourhood Development Plan held on 25th February.
2. That the Council makes the Old Market Quarter Neighbourhood Development Plan.
3. That the Council makes the Old Market Quarter Neighbourhood Plan part of the Development Plan for Bristol.
4. That the Council congratulates the members of the Old Market Neighbourhood Planning Forum on their contribution to place making in Old Market and on producing the first Neighbourhood Development Plan in Bristol.

Summary

To confirm the Old Market Quarter Neighbourhood Development Plan as part of the statutory Development Plan for Bristol.

To use the neighbourhood plan for Old Market Quarter to help decide planning applications in the neighbourhood area.

The significant issues in the report are:

The referendum on the Old Market Quarter Neighbourhood Development Plan held on 25th February 2016 found in favour of using the neighbourhood plan for Old Market Quarter to help decide planning applications in the neighbourhood area.

The Council is now advised that the Old Market Quarter Neighbourhood Development Plan must be made part of the Development Plan for Bristol.

Policy

1. The Old Market Quarter 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, Site Allocations and Development Management Policies Local Plan and Bristol Central Area Local Plan.

Consultation

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

Context

4. The Old Market Quarter Neighbourhood Development Plan has been prepared by the Old Market Quarter Neighbourhood Planning Forum. The Old Market Quarter 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 Old Market Quarter Neighbourhood Planning Forum was designated on 1st May 2013. The boundary of the Old Market 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 and with involvement of the Ashley, Easton and Lawrence Hill Neighbourhood Partnership, was submitted to the Council and subject to independent examination in June 2015. The plan has been modified in accordance with the recommendations of the independent examiner. It was determined on 10 December 2015 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 25 February 2016.

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

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

The outcome of the referendum was an 88% majority in favour of the proposal.

Turnout: 300

Voting yes: 265

Voting no: 31

Spoilt ballots: 4

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 Old Market Quarter 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 Strategic Director of Place to Council. The Old Market Neighbourhood Development Plan must 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 Old Market 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 Old Market community and this personal effort to improve local place-making is recognised.
11. It is recognised that neighbourhood planning forums should have close engagement with the Neighbourhood Partnerships in which they are located in the preparation of neighbourhood development plans, to ensure that the widest possible engagement with the community. As new neighbourhood planning forums come forward, and existing plans progress, this expectation will be made clear.

Other Options Considered

12. 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

13. Confirmation of the Old Market 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 <i>(subject)</i> 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 Old Market Quarter Neighbourhood Development Plan part of the Development Plan for Bristol	Low	Low	OMQ 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 <u>not</u> implementing the <i>(subject)</i> decision:						
RISK	INHERENT RISK		RISK CONTROL MEASURES	CURRENT RISK		RISK OWNER
	Impact	Probability		Impact	Probability	

Risk of not agreeing to make Old Market Quarter 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	OMQ 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
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Public Sector Equality Duties

14a.) 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;
 - 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.

14b.) Engagement with equalities communities and consideration of relevant issues has been undertaken as part of the preparation of The Old Market Quarter 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 Old Market Quarter 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

15. The preparation of the Old Market Quarter 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) 25th February 2016)

Financial

16. **(a) Revenue**

There are no on-going revenue financial implications for the Old Market Neighbourhood Development Plan and this does not present additional pressures to the revenue budget. 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 and by funds from Communities and Local Government.

17. **(b) Capital**

There are no capital financial implications.

(Financial advice provided by: Tian Ze Hao, Finance Business Partner)

Land

18. It is considered that there are no direct implications for Council owned land and buildings arising from these recommendations.

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

Personnel

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

(Personnel advice provided by: Mark Williams, People Business Partner, Place)

Appendices:

Appendix 1 - The boundary of the Old Market Neighbourhood Development Plan

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**Background Papers:**

Old Market Neighbourhood Development Plan as approved at referendum

<https://www.bristol.gov.uk/documents/20182/34516/Old+Market+Quarter+Neighbourhood+Development+Plan+Referendum/664ae294-f8b6-4cb6-bce0-49d5e6d4d023>

Appendix 1 - The boundary of the Old Market Neighbourhood Development Plan

