



CARNFORTH NEIGHBOURHOOD PLAN

Regulation 19 (Final) Decision Statement

This Statement was published on 28 March 2023, pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012/637.

Lancaster City Council has 'made' the Carnforth Neighbourhood Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Carnforth Neighbourhood Plan now forms part of the Development Plan for Lancaster District.

1.0 Summary

- 1.1** This document is the Decision Statement required to be prepared under Section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended). It sets out the Council's considerations and formal decision in bringing the Carnforth Neighbourhood Plan into legal force.
- 1.2** Following an independent examination and positive referendum result, held on 26th January 2023, Lancaster City Council decided to make the Carnforth Neighbourhood Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended).

2.0 Background

- 2.1** On 20th December 2017, Carnforth Town Council (the Town Council), as the appropriate qualifying body for their area, submitted proposals to Lancaster City Council (the Council) to designate the boundary of the Carnforth Neighbourhood Plan Area.
- 2.2** The Council approved the Neighbourhood Area application on the 8th May 2018 in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.3** Following initial consultation stages, a Draft Neighbourhood Plan (the Plan) was publicised, and representations were invited in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) between 26th July and 20th September 2021.

- 2.4** The finalised version of the Plan was submitted to the Council in February 2022. A final, formal, stage of publicity was undertaken over a 6-week period in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended), between 4th February and 18th March 2022 to determine if there were any unresolved objections to the Plan.
- 2.5** The Council, with the agreement of the Town Council, appointed an independent Examiner, to review whether the Plan met the 'Basic Conditions' and legal requirements for plan-making as required by legislation and whether it could proceed to referendum.
- 2.6** An Independent Examiner was appointed in June 2022 to undertake the examination of the Submission version of the Plan. This was completed with the final examination report sent to both the Town Council and the Council 6th October 2022.
- 2.7** The Examiner concluded that subject to recommended modifications, the Plan would meet the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provision made by or under Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended). The Town Council made the recommended modification to the Plan. The Council accepted that the modifications recommended in the Examiner's Report were necessary for the Plan to meet the basic conditions and subject to these amendments the Plan should proceed to Referendum.
- 2.8** A local referendum was held in Carnforth 26th January 2023 to decide whether the local community were in favour of the Carnforth Neighbourhood Plan. From the votes recorded, 476 of the 547 votes received were in favour of the Carnforth Neighbourhood Plan. The turnout of electors was 13.04%.

3.0 Decisions and Reasons

- 3.1** Lancaster City Council decided by resolution of Full Council on 15th March 2023 to make the Carnforth Neighbourhood Plan.
- 3.2** Lancaster City Council as the local authority 'makes' the Carnforth Neighbourhood Plan as part of the Development Plan Section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Carnforth Neighbourhood Plan now forms part of the Development Plan for Lancaster District. Planning applications in the Parish must be considered against the Carnforth Neighbourhood Plan, as well as existing national planning policy and the Local Plan.
- 3.3** On 26th January 2023 the Plan was subject to a referendum which returned a vote in favour of the Plan being used to help decide planning applications. Section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Council must 'make' the Plan if more than half of those voting have voted in favour of the plan.
- 3.4** The Council has assessed the Plan and concluded that the Plan, including its preparation, is compatible with EU obligation and the Convention Rights (within the

meaning of the Human Rights Act 1998) and complies with the relevant provisions within the Planning and Compulsory Purchase Act 2004 (as amended).

- 3.5** The adopted version of the Neighbourhood Plan (as approved by Full Council) was published on the Council's website, alongside this Carnforth Neighbourhood Plan Decision Statement, on 28 March 2023.

Mark Cassidy, Head of Planning and Place