

Full Council 7 December 2017 Making of the Buckland Newton Neighbourhood Plan

For Decision

Portfolio Holder

Cllr I Gardner

Senior Leadership Team Contact:

S Hill, Strategic Director

Report Author:

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Statutory Authority

The various stages for preparing and making a neighbourhood plan are prescribed in the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004, as amended. More detail is set out in the Neighbourhood Planning (General) Regulations 2012, as amended, and the Neighbourhood Planning (Referendum) Regulations 2012, as amended.

Purpose of Report

1. To make the Buckland Newton Neighbourhood Plan part of the development plan for use in planning decisions in the Buckland Newton Neighbourhood Area.

Officer Recommendations

2. The following recommendations are made:
 - a) That the district council make the Buckland Newton Neighbourhood Plan (as set out in Appendix A) part of the statutory development plan for the Buckland Newton Neighbourhood Area.
 - b) That the district council offers its congratulations to Buckland Newton Parish Council in producing their neighbourhood plan.

Reason for Decision

3. To formally adopt the Buckland Newton Neighbourhood Plan as part of the statutory development plan for the Buckland Newton Neighbourhood Area. In addition, to recognise the significant amount of work undertaken by the parish in preparing the neighbourhood plan, congratulating them on their success.

Background and Reason Decision Needed

4. In January 2016 Buckland Newton Parish Council submitted the draft Buckland Newton Neighbourhood Plan and supporting evidence to the District Council. The neighbourhood plan was subject to significant public consultation during earlier stages of its preparation.
5. Consultation on the submitted draft plan and supporting documents was undertaken between 28 January and 10 March 2016. The district council subsequently made arrangements for an independent examination of the plan in line with The Neighbourhood Planning (General) Regulations 2012.
6. The examiner's final (consolidated) report was received in June 2017 suggesting that, subject to modification to enable the plan to meet the basic conditions and other legal requirements, it should proceed to referendum.
7. Officers from the District Council met with the Buckland Newton Neighbourhood Plan Group to discuss the examiner's recommendations (including proposed modifications to the neighbourhood plan). After seeking clarification on three matters from the examiner, officers received agreement from the Parish Council to proceed.
8. West Dorset District Council considered each of the recommendations and modifications contained in the examiner's report at Strategy Committee on 12 September 2017. In considering the conclusions of the independent examiner, the committee agreed that the legal requirements and basic conditions had been met.
9. The Strategy Committee agreed to enable the plan, as amended to proceed to referendum. The relevant referendum material was prepared and publicised including:
 - A summary of representations submitted to the examiner
 - The examiner's report
 - The Buckland Newton Neighbourhood Plan as proposed (see **Appendix A**)
 - The decision statement, which includes a statement by the local planning authority that the plan as proposed meets the basic conditions
 - The information statement, which contains general information as to town and country planning including neighbourhood planning and the referendum.
10. The referendum was held on the 2 November 2017 with the area covered by the referendum being the parish of Buckland Newton. This is the same area to which the Neighbourhood Plan applies.
11. The results of the referendum were that 119 people (59.5%) voted in favour of the plan with 81 people (40.5%) voting against. The turnout was 37.8%.
12. Where a referendum results in more than half those voting, voting in favour of the proposal, the council must make (i.e. adopt) the plan 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.
13. The Buckland Newton Neighbourhood Plan, as proposed to be made, is attached as **Appendix A**. More than 50% of those voting in the

referendum voted in favour of the plan. Officers are not aware of any issues that have come to light that would require the council to come to an alternative view to that reached by the independent examiner on the plan's acceptability and compliance with legal obligations.

14. The council must publish its decision and reasons on its website and send copies to the parish council and any body who asked to be notified. A draft of the decision statement is attached at **Appendix B**.

Implications

15. Planning decisions are to be made in accordance with the adopted development plan, unless material considerations indicate otherwise. The Neighbourhood Plan forms part of the development plan for the Buckland Newton Parish Area alongside the adopted West Dorset, Weymouth & Portland Joint Local Plan. However policies contained in the Buckland Newton Neighbourhood Plan will take precedence over the non-strategic policies in the adopted local plan when decisions are being made on development proposals within the parish of Buckland Newton.

Corporate Plan

16. The Buckland Newton Neighbourhood Plan, once made, will form part of the development plan and will therefore help to achieve the following priorities:
 - a. Build strong inclusive and sustainable communities that empower local people to influence and provide the services that matter most to them;
 - b. Increase the number of new homes built within the district; and
 - c. Safeguard and provide opportunities to enjoy the natural and built environment now and in the future.

Financial

17. When neighbourhood plans are successful at examination and a referendum date has been set, the council becomes eligible for a grant of £20,000. This grant is intended to cover the costs associated with the Council's input into the production of a Neighbourhood Plan including the costs associated with the examination, referendum and the printing of the final plan.

Equalities

18. Part of the role of the independent examiner is to consider whether the Neighbourhood Plan would breach, or otherwise be incompatible with the European Convention on Human Rights. The examiner was satisfied that the Neighbourhood Plan meets this requirement.

Environmental

19. One of the main objectives of the Neighbourhood Plan is to protect and enhance the natural and built environment of the Parish including its landscape, built heritage, archaeological sites and wildlife habitats. The plan includes policies on the protection of local green spaces and the wider environment.
20. The examiner was satisfied that the Neighbourhood Plan contributes towards achieving sustainable development. The submitted Neighbourhood Plan was accompanied by a screening report to fulfil the requirements of the Strategic Environmental Assessment Directive. It

therefore complies with European legislation and is consistent with considerations in the National Planning Policy Framework.

Economic Development

21. The Buckland Newton Neighbourhood Plan seeks to support existing businesses, encourage new enterprises and facilities which will enhance commercial effectiveness and employment opportunities.

Risk Management (including Health & Safety)

22. A legal challenge could theoretically be made in relation to the way consultation was conducted, the way the referendum was held or if council were to decline to make the plan (unless it was considered that making the plan would breach or otherwise be incompatible with any EU obligation or any human rights obligations).

Human Resources

23. The Neighbourhood Plan has been taken through the statutory process by the Spatial Policy and Implementation teams. Once made, the plan will be used by the Development Management team.

Consultation and Engagement

24. There has been significant consultation on the Buckland Newton Neighbourhood Plan throughout its production. This is detailed in the Consultation Statement submitted alongside the draft version of the plan.
25. The District Council undertook a statutory six week consultation prior to examination. Between examination and referendum, the plan was made available to view on the council's website, at various locations in the Buckland Newton Parish Area, at Sherborne Town Council Offices and at South Walks House in Dorchester.

Appendices

Appendix A: Referendum version of the Buckland Newton Neighbourhood Plan
Appendix B: draft Decision Statement

Background Papers

Documents relating to the Buckland Newton Neighbourhood Plan are available at <https://www.dorsetforyou.gov.uk/Buckland-Newton-Neighbourhood-Plan>

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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