

Full Council

21 July 2016

Loders Neighbourhood Plan - Adoption

For Decision

Portfolio Holder

Cllr I Gardner

Senior Leadership Team Contact:

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Report Author:

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Statutory Authority

Localism Act 2011

Purpose of Report

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

Officer Recommendations

2.
 - (a) That the district council make the Loders Neighbourhood Plan (as set out in Appendix A) part of the statutory development plan for the Loders Neighbourhood Area.
 - (b) That the district council amend the plan to correct the errors identified by Loders Parish Council as set out in Appendix C.
 - (c) That the district council offers its congratulations to Loders Parish Council in producing their neighbourhood plan.

Reason for Decision

3. To formally adopt the Loders Neighbourhood Plan as part of the statutory development plan for the Loders Neighbourhood Area and to amend the plan to correct errors identified by the parish council . 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. Following significant amounts of consultation and research, Loders Parish Council submitted their draft neighbourhood plan and supporting material to the district council in July 2015. The district council subsequently made arrangements for an independent examination of the plan in line with The Neighbourhood Planning (General) Regulations 2012. The examiner's report was received in January 2016 suggesting that, subject to some minor modification to enable the plan to meet the basic conditions and other legal requirements, it should proceed to referendum.
5. The parish council agreed to the modifications proposed by the independent examiner enabling arrangements to be made for the referendum on the agreed plan. The relevant material was prepared and publicised including:
 - A summary of representations submitted to the examiner
 - The examiner's report
 - The Loders Neighbourhood Plan as proposed (see Appendix A)
 - The decision statement, which contains 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.

Referendum

6. The district council held a referendum on the 5 May 2016 with the area covered by the referendum being the parish of Loders. This is the same area to which the neighbourhood plan applies.
7. In the referendum, 146 people (83.4%) voted in favour of the plan with 29 people (16.6%) voting against. The turnout was 39.82%.
8. 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.
9. The Loders 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.
10. 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.
11. Planning applications are determined by local planning authorities such as West Dorset District Council. Planning decisions are made in accordance with the adopted development plan, unless material considerations indicate otherwise. The neighbourhood plan forms part of the development plan for the Loders parish area alongside the adopted West Dorset, Weymouth & Portland Joint Local Plan.

12. The policies in the neighbourhood plan are in general conformity with the strategic policies of the local plan. Therefore the policies contained in the Loders Neighbourhood Plan will take precedence over the non-strategic policies in the adopted local plan when decisions are being made on development proposals.

Amendments to the Loders Neighbourhood Plan

13. Since the referendum was held Loders Parish Council have identified a number of errors in the referendum version of their neighbourhood plan. Although there is no mechanism for making these changes prior to the plan being made part of the development plan for the Loders area, once the plan is made, errors can be corrected through Section 61M(4) of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011).
14. The schedule of errors identified by the parish and a full set of the changes proposed to the referendum version of the neighbourhood plan are included in Appendix C. These changes have been agreed by the Parish Council for the purpose of correcting the errors they identified. The plan incorporating the corrected errors will replace the referendum version of the neighbourhood plan and this version will be used in planning decisions.

Implications

15. Planning decisions are made in accordance with the adopted development plan, unless material considerations indicate otherwise. The neighbourhood plan forms part of the development plan for the Loders parish area alongside the adopted West Dorset, Weymouth & Portland Joint Local Plan. However policies contained in the Loders 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 Loders.

Corporate Plan

16. Priority: C1. Creating a planning framework which balances environmental protection with meeting community and economic needs

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. The examiner considered whether the neighbourhood plan would breach, or otherwise be incompatible with any of the Convention rights within the meaning of the Human Rights Act 1998.

Environmental

19. 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

20. The Loders Neighbourhood Plan seeks to encourage economic growth that does not harm the rural nature of the parish.

Risk Management (including Health & Safety)

21. 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

22. 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

23. There has been significant consultation on the Loders Neighbourhood Plan throughout its production. This is detailed in the Consultation Statement submitted alongside the draft version of the plan. In addition, 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, in the Loders parish area, at Bridport Town Council Offices and at South Walks House in Dorchester. In addition, prior to the referendum, Loders Parish Council arranged for a summary to be posted through the door of every household in the Loders Neighbourhood Area.

Appendices

Appendix A: Referendum version of the Loders Neighbourhood Plan

Appendix B: draft Decision Statement

Appendix C: Amendments to correct errors identified by Loders Parish Council

Background Papers

Documents relating to the submission and examination of the Loders Neighbourhood Plan <https://www.dorsetforyou.gov.uk/loders>

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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