

Cabinet

5th May 2020

Making of the Upper Marshwood Neighbourhood Plan 2018 to 2033

For Recommendation to Cabinet

Portfolio Holder: Cllr D Walsh, Planning

Local Councillor(s): Cllr Simon Christopher

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Report Status: Public

Recommendation:

The following recommendations are made:

- a) That the council make the Upper Marshwood Vale Neighbourhood Plan (as set out in **Appendix A**) part of the statutory development plan for the Upper Marshwood Vale Neighbourhood Area;
- b) That the council offers its congratulations to Upper Marshwood Vale Neighbourhood Plan group in producing their neighbourhood plan.

Reason for Recommendation:

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

1. Executive Summary

The Upper Marshwood Vale Neighbourhood Plan has recently been subject to independent examination and a successful referendum. The purpose of this report is to make the Upper Marshwood Vale Neighbourhood Plan part of the development plan for use in planning decisions in the Upper Marshwood Vale Neighbourhood Area which encompasses the parishes of Marshwood, Stoke Abbott, Pilsdon and Bettiscombe.

2. Financial Implications

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.

3. Climate implications

The Plan has been prepared in accordance with national planning policy which seeks to deliver sustainable development through planning decisions including adaptation to and mitigation of climate change. This neighbourhood plan will be used in planning decisions in the neighbourhood area.

4. Other Implications

Planning decisions are to be made in accordance with the adopted development plan, unless other material considerations indicate otherwise. The neighbourhood plan forms part of the development plan for the Upper Marshwood Vale alongside the adopted West Dorset, Weymouth & Portland Joint Local Plan. However policies contained in the Upper Marshwood Vale 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 Upper Marshwood Vale Neighbourhood Plan Area.

5. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW

Residual Risk LOW

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).

6. Equalities Impact Assessment

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.

7. Appendices

Appendix A: Referendum version of the Upper Marshwood Vale Neighbourhood Plan

Appendix B: Adoption decision statement

8. Background Papers

Documents relating to the Upper Marshwood Vale Neighbourhood Plan are available at:

<https://www.dorsetcouncil.gov.uk/upper-marshwood-vale-neighbourhood-plan>

9. Background and Reason Decision Needed

In 2015, the Upper Marshwood Vale Neighbourhood Plan group applied to designate the Upper Marshwood Vale area consisting of the parishes of Marshwood, Stoke Abbott, Pilsdon and Bettiscombe as a neighbourhood plan area. Following public consultation and consideration of the representations made, formal approval was given in August 2015 by West Dorset District Council as the qualifying body to prepare the Neighbourhood Plan.

In July 2019 Upper Marshwood Vale submitted the draft Upper Marshwood Vale neighbourhood plan and supporting material to Dorset Council. Dorset Council was satisfied that the documents submitted met the requirements of Regulation 15 of the 'Regulations'. Upper Marshwood Vale were notified of the Councils conclusion and informed that the plan could proceed to examination. The

submitted documents were made available for consultation from 19 August 2019 until 14 October 2019. This resulted in a longer consultation of 8 weeks due to the consultation being partly held within the summer holidays.

The council subsequently made arrangements for an independent examination of the plan in line with The Neighbourhood Planning (General) Regulations 2012. The examiner's final report was received in December 2019 suggesting that, subject to modifications to enable the plan to meet the basic conditions and other legal requirements, it should proceed to referendum.

Dorset Council considered each of the recommendations and modifications contained in the examiner's report and agreed the amendments in an Executive Decision Statement 20 December 2019. Dorset Council issued its decision which was in agreement with the examiner's findings, and that the plan as modified should 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 Upper Marshwood Vale 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; and
- the information statement, which contains general information as to town and country planning including neighbourhood planning and the referendum.

Referendum

The referendum was held on the 13 February 2020 with the area covered by the referendum being the Upper Marshwood Vale Neighbourhood Plan Area. This is the same area to which the neighbourhood plan applies. From an electorate of 524 there was a turnout of 114 (22.18%). The results of the referendum were that 79 people (69%) voted in favour of the plan with 35 people (31%) voting against.

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.

The Upper Marshwood Vale 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.

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

Footnote:

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