

Full Council 10 January 2019 Making of the Askerswell Neighbourhood Plan

For Decision

Portfolio Holder

Cllr I Gardner

Senior Leadership Team Contact:

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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 Askerswell Neighbourhood Plan part of the development plan for use in planning decisions in the Askerswell Neighbourhood Area.

Officer Recommendations

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

Reason for Decision

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

Background and Reason Decision Needed

4. In February 2018 Askerswell Neighbourhood Forum submitted the draft Askerswell Neighbourhood Plan and supporting evidence to the District Council. The neighbourhood plan was subject to significant public consultation during early stages of its production.
- 5 Consultation on the submitted draft plan and supporting documents was undertaken between 12 March 2018 and 23 April 2018. 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 report was received in August 2018 suggesting that, subject to modifications to enable the plan to meet the basic conditions and other legal requirements, it should proceed to referendum.
- 7 West Dorset District Council considered each of the recommendations and modifications contained in the examiner's report at Strategy Committee on 11 September 2018. In considering the conclusions of the independent examiner, the committee agreed that the legal requirements and basic conditions had been met.
- 8 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 Askerswell 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

- 9 The referendum was held on the 21 November 2018 with the area covered by the referendum being the parish of Askerswell. This is the same area to which the neighbourhood plan applies. From an electorate of 138 there was a turnout of 63 (45.65%). The results of the referendum were that 52 people (82.5%) voted in favour of the plan with 11 people (17.5%) voting against.
- 10 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.
- 11 The Askerswell 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.

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

Implications

- 13 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 Askerswell Parish Area alongside the adopted West Dorset, Weymouth & Portland Joint Local Plan. However policies contained in the Askerswell 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 Askerswell Parish Area.

Corporate Plan

- 14 The Askerswell 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

- 15 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

- 16 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

- 17 Part of the role of the independent examiner is to consider whether the neighbourhood plan contributes towards achieving sustainable development. Sustainable development as defined in the National Planning Policy Framework includes an environmental element and therefore consideration has been given to the environment by the examiner. The examiner was satisfied that the neighbourhood plan meets this requirement and does contribute towards achieving sustainable development.
- 18 In addition, during the early stages of its production, the neighbourhood plan was subject to a Strategic Environmental Assessment (SEA) screening which looked at the aims of the plan and the environmental constraints in the area. The conclusion of this screening was that a full

SEA, to assess potential significant environmental effects, was not required.

Economic Development

- 19 The examiner has concluded that the neighbourhood plan contributes towards achieving sustainable development. There are three dimensions to sustainable development including an economic role and therefore consideration has been given to this aspect of sustainability by the examiner.

Risk Management (including Health & Safety)

- 20 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

- 21 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

- 22 There has been significant consultation on the Askerswell Neighbourhood Plan throughout its production. This is detailed in the Consultation Statement submitted alongside the draft version of the plan.
- 23 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 Bridport Town Council Offices and at South Walks House in Dorchester. The plan was also sent to all households in the Parish.

Appendices

Appendix A: Referendum version of the Askerswell Neighbourhood Plan
Appendix B: draft adoption decision statement

Background Papers

Documents relating to the Askerswell Neighbourhood Plan are available at <https://www.dorsetforyou.gov.uk/askerswell-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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