



Date of Meeting: 1 October 2019

Portfolio Holder: Cllr David Walsh – Lead Member for Planning

Local Member: Cllr Simon Christopher

Director: John Sellgren, Executive Director of Place

Executive Summary:

The Broadwindsor Neighbourhood Plan has recently been subject to independent examination and a successful referendum. The purpose of this report is to make the Broadwindsor Neighbourhood Plan part of the development plan for use in planning decisions in the Broadwindsor Neighbourhood Area (the parishes of Broadwindsor, Burstock and Seaborough).

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.

Budget:

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.

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).

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 decision in the neighbourhood area.

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 parishes of Broadwindsor, Burstock and Seaborough alongside the adopted West Dorset, Weymouth & Portland Joint Local Plan. However policies contained in the Broadwindsor 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 Broadwindsor Group Parish Area.

Recommendation:

The following recommendations are made:

- a) That the council make the Broadwindsor Neighbourhood Plan (as set out in **Appendix A**) part of the statutory development plan for the Broadwindsor Neighbourhood Area (the parishes of Broadwindsor, Burstock and Seaborough);
- b) That the council offers its congratulations to Broadwindsor Group Parish Council in producing their neighbourhood plan.

Reason for Recommendation:

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

Appendices:

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

Background Papers:

Documents relating to the Broadwindsor Neighbourhood Plan are available at <https://www.dorsetforyou.gov.uk/broadwindsor-neighbourhood-plan>

Officer Contact

Name: N Cardnell, Senior Planning Officer
Tel: 01305 838263
Email: nick.cardnell@dorsetcouncil.gov.uk

1. Background and Reason Decision Needed

- 1.1. In November 2018 Broadwindsor Group Parish Council submitted the draft Broadwindsor Neighbourhood Plan and supporting evidence to West Dorset District Council (replaced by Dorset Council on 1 April 2019). The neighbourhood plan was subject to significant public consultation during early stages of its production.
- 1.2. Consultation on the submitted draft plan and supporting documents was undertaken between 12 December 2018 and 6 February 2019. The district council subsequently made arrangements for an independent examination of the plan in line with The Neighbourhood Planning (General) Regulations 2012.
- 1.3. The examiner's final report was received in April 2019 suggesting that, subject to modifications to enable the plan to meet the basic conditions and other legal requirements, it should proceed to referendum.
- 1.4. Dorset Council considered each of the recommendations and modifications contained in the examiner's report at Cabinet on 26 June 2019. In considering the conclusions of the independent examiner, the committee agreed that the legal requirements and basic conditions had been met.
- 1.5. The Cabinet 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 Broadwindsor 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

- 1.6. The referendum was held on the 8 August 2019 with the area covered by the referendum being the parishes of Broadwindsor, Burstock and Seaborough. This is the same area to which the neighbourhood plan applies. From an electorate of 1,287 there was a turnout of 401 (31.16%). The results of the referendum were that 301 people (75.06%) voted in favour of the plan with 100 people (24.93%) voting against.
- 1.7. 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.
- 1.8. The Broadwindsor 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.

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