



Date of Meeting: 25 June 2019
Lead Member: Cllr David Walsh – Lead Member for Planning
Lead Officer: N. Cardnell - Senior Planning Officer

Executive Summary:

The Broadwindsor Neighbourhood Plan has recently been subject to independent examination. The purpose of this report is to consider the content of the Examiner’s report and agree that the plan, as modified, can proceed to referendum on the basis that it meets the basic conditions, is compatible with Convention rights, and complies with the definition of a neighbourhood development plan.

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:

There is a cost associated with holding the referendum. This is estimated as being in the region of £4,000. However now that the examination on the neighbourhood plan has been completed successfully, Dorset Council will be eligible for a Government grant of £20,000 once a date for the referendum has been set. This will be sufficient to cover the costs associated with the examination and referendum.

Risk Assessment:

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

Current Risk: LOW
Residual Risk LOW

No risks identified for this stage. Neighbourhood plans will become part of the development plan and therefore this plan will be used in future planning decisions in the parish of Broadwindsor

Other Implications:

The referendum will be organised by Electoral Services. Ongoing support for the plan will be provided by Planning and Community Services.

Recommendation:

The following recommendations are made:

- a) That the Broadwindsor Neighbourhood Plan, as modified by the recommendations in the examiner's report (Appendix A), can proceed to referendum;
- b) That a recommendation to make the Broadwindsor Neighbourhood Plan part of the Development Plan be made to the next Cabinet meeting after the referendum, if the results of the referendum are in support of the making of the plan and there are no other issues identified that would go against such a decision.

Reason for Recommendation:

To progress the Broadwindsor Neighbourhood Plan to referendum so that pending a favourable vote, the plan can be made part of the Development Plan for the Broadwindsor Neighbourhood Area.

Appendices:

Appendix A: Examiners Report

Appendix B: Broadwindsor Neighbourhood Plan – Referendum Draft

Background Papers:

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

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1. Background and Reason Decision Needed

- 1.1. In November 2018 the Broadwindsor Group Parish Council submitted the draft Broadwindsor Neighbourhood Plan and supporting evidence to West Dorset District Council (replaced by Dorset Council on 1st April 2019). The plan was subject to significant public consultation during its production.
- 1.2. Consultation on the submitted draft plan and supporting documents was undertaken between 12 December 2018 and 6 February 2019. An independent examiner, Mr Brian Dodd, was appointed with the agreement of the Broadwindsor Group Parish Council to undertake the examination of the neighbourhood plan. The results of this formal consultation were sent to him for consideration during the examination of the neighbourhood plan.

- 1.3. The examiner's role was to check that the plan meets the 'basic conditions' which includes consideration of whether the plan breaches or is incompatible with EU obligations or Convention Rights. In doing so, the examiner has three options:
 - a. To conclude that the plan meets all legal requirements and should proceed to referendum;
 - b. To suggest some modifications to the plan to ensure legal compliance and that the plan as modified should proceed to referendum; or
 - c. To conclude that the plan does not meet the legal requirements and that it should not proceed.
- 1.4. If the examiner recommends that the plan should proceed, he or she must also state the area in which the referendum should be held, which may be extended beyond the area to which the plan applies.
- 1.5. Dorset Council (formally West Dorset District Council), as the local planning authority is required to consider each of the recommendations in the examiner's report and decide what action to take in response to each recommendation.
- 1.6. The examiner issued his report on the examination of the Broadwindsor Neighbourhood Plan to the council on 26 April 2019. This report is included in Appendix A. The report was forwarded to the Group Parish Council for their consideration.
- 1.7. The examiner, in his report states that no issues have been raised in relation to the possible contravention of the human rights in consultations undertaken in preparation of the Plan. The examiner also raised no concerns with EU Obligations.
- 1.8. The examiner made a series of recommendations to modify a number of policies and the text to ensure that the neighbourhood plan would meet the 'basic conditions' and other legal requirements. In his report, the examiner recommended that:
 - a. The plan, once modified, should proceed to referendum; and
 - b. The referendum should be held over the neighbourhood area only (i.e. the parishes of Broadwindsor, Seaborough and Burstock)
- 1.9. Therefore it is proposed to amend the neighbourhood plan, as submitted, to reflect the modifications recommended by the examiner (See Appendix A Examiners Report). The Plan as modified by the examiner's recommendations is included as Appendix B.
- 1.10. The Group Parish Council formally considered the changes detailed in the examiner's report at their meeting on 13 May 2019 confirming that the changes were agreed. The Group Parish Council will then be notified of Cabinet's decisions.

- 1.11. The referendum will be organised by the Returning Officer of Dorset Council, with the Group Parish Council, local members and Planning Portfolio Holder being kept informed of the arrangements. It is hoped that the referendum could be in August 2019.
- 1.12. Should the referendum return a positive result, the council must make the plan part of the Development Plan for the neighbourhood area (bring it into legal force) within 8 weeks of the referendum date unless legal challenges arise which are unresolved by the end of this 8 week period.
- 1.13. Subject to the result of the referendum and any legal challenges, the intention is for the plan to be brought to the next available cabinet meeting after the referendum with a recommendation that the plan be formally made part of the Development Plan for the neighbourhood area.