

Full Council

21 February 2017

Shillingstone Neighbourhood Plan 2016 to 2031

For Decision

Portfolio Holder

Councillor David Walsh

Senior Leadership Team Contact: S Hill, Strategic Director

Report Author: Ed Gerry, Planning Policy Team Leader

Statutory Authority

The Town and Country Planning Act 1990 (as amended)
Localism Act 2011

Purpose of Report

- 1 To make the Shillingstone Neighbourhood Plan 2016 to 2031 part of the development plan for use in planning decisions in the Shillingstone Neighbourhood Area.

Officer Recommendations

- 2 (a) That the District Council makes the Shillingstone Neighbourhood Plan 2016 to 2031 (as set out in Appendix A) part of the statutory development plan for the Shillingstone Neighbourhood Area.

(b) That the District Council offers its congratulations to Shillingstone Parish Council in producing its neighbourhood plan.

Reason for Decision

- 3 To make the Shillingstone Neighbourhood Plan 2016 to 2031 part of the statutory development plan for the Shillingstone Neighbourhood Area. In addition, to recognise the significant amount of work undertaken by the Parish Council in preparing the neighbourhood plan and to congratulate it on its success.

Background and Reason Decision Needed

- 4 Members will be aware that the neighbourhood plan area for Shillingstone was formally designated by this Council on the 16 September 2013. Following significant amounts of consultation and research Shillingstone Parish Council (the Qualifying Body) submitted the Shillingstone Neighbourhood Plan 2016 to 2031 to the District Council on the 8 April 2016.
- 5 The District Council subsequently made arrangements for an independent Examination of the plan as required by The Neighbourhood Planning (General) Regulations 2012 (as amended). The Examination was conducted by Mr Brian Dodd BA MPhil MRTPI and the District Council was sent a copy of the Examiner's report on the 4 October 2016.
- 6 The Examiner's report concluded that subject to a number of modifications the plan should proceed to referendum. Shillingstone Parish Council confirmed that it was happy to accept all of the recommendations put forward by the Examiner. Furthermore, it agreed to a further modification relating to Policy 13 (Whitepit Farm buildings (WPF-B)) in the plan.
- 7 Members of the District Council's Cabinet considered the Examiner's modifications on the 12 December of 2016 and decided that his modifications, along with the further modification relating to Policy 13 in the plan, should be incorporated within an amended version of the neighbourhood plan and that the amended plan should proceed to referendum. Furthermore, Members of Cabinet decided that a recommendation to 'make' the Shillingstone Neighbourhood Plan 2016 to 2031 be made to the next Full Council meeting (21 February 2017) after the referendum if the result of the referendum is in support of making the plan and there are no other issues identified that would go against such a decision.

Referendum

- 8 The District Council held a referendum on 9 February 2017 with the area covered by the referendum being the parish of Shillingstone. This is the same area to which the neighbourhood plan applies.
- 9 In the referendum, 263 people (88%) voted in favour of the plan with 36 people (12%) voting against. The turnout was 33%.
- 10 Where a referendum results in more than half those voting, voting in favour of the plan, the District Council must make 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 Shillingstone Neighbourhood Plan 2016 to 2031, 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 in respect of the basic conditions requirements which apply to neighbourhood plans.

- 12 Once made the neighbourhood plan will form part of the development plan for the parish of Shillingstone alongside other plans including the North Dorset Local Plan Part 1. Planning applications, which will be considered by the District Council, will be made in accordance with the development plan unless material considerations indicate otherwise.

Implications

Financial

- 13 When the referendum date was set for the neighbourhood plan the District Council became 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

- 14 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. He concluded that the neighbourhood plan would not breach or be incompatible with human rights requirements. There is no reason that the District Council should take a different view on this matter.

Environmental

- 15 The plan was subject to Strategic Environmental Assessment and Habitats Regulations Assessment screening as it was progressed. It was concluded that the neighbourhood plan is unlikely to have any significant effects upon the environment or any European site. There is no reason for the District Council to take a different view on this matter. Therefore, the plan complies with relevant legislation and policy including European legislation and the National Planning Policy Framework.

Risk Management (including Health and Safety)

- 16 A legal challenge could theoretically be made against the District Council's decision to make the plan. Such a challenge could be made on the basis that the neighbourhood plan, as modified, does not meet the basic conditions, is not compatible with the Convention rights or because it does not comply with the definition of a neighbourhood development plan. However, the independent Examiner has considered these matters in light of all of the objections that have been made to the plan. Given the evidence before them Officers consider that there is no basis for reaching a different view to the Examiner.

Consultation and Engagement

- 17 There has been a significant amount of consultation on the neighbourhood plan throughout its production. This is detailed in the Consultation Statement submitted with the draft version of the plan. In addition, the

District Council undertook a statutory six week consultation (20 May to 1 July 2016) prior to the plan being considered by the independent Examiner.

Appendices

- 18 Appendix A – Referendum version of the Shillingstone Neighbourhood Plan 2016 to 2031.

Background Papers

- 19 Documents relating to the referendum on the Shillingstone Neighbourhood Plan 2016 to 2031 can be accessed via the following link:
<https://www.dorsetforyou.gov.uk/article/423351/Shillingstone-Neighbourhood-Plan-Referendum>

Footnote

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

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