

Full Council

26 January 2018

Bourton - Dorset Neighbourhood Plan 2016-2031

For Decision

Portfolio Holder

Councillor David Walsh

Senior Leadership Team Contact:

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Report Author:

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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 (as amended) and the Planning and Compulsory Purchase Act 2004 (as amended) and the Localism Act 2011. 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 Bourton - Dorset Neighbourhood Plan 2016-2031 part of the development plan for use in planning decisions in the Bourton Neighbourhood Area.

Officer Recommendations

2. The following recommendations are made:
 - a) That the District Council makes the Bourton - Dorset Neighbourhood Plan 2016-2031 (as set out in Appendix A) part of the statutory development plan for the Bourton Neighbourhood Area.
 - b) That the District Council offers its congratulations to Bourton Parish Council in producing its neighbourhood plan.

Reason for Decision

3. To make the Bourton - Dorset Neighbourhood Plan 2016-2031 part of the statutory development plan for the Bourton 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 Bourton was formally designated by the District Council in December 2012. Following significant amounts of consultation and research Bourton Parish Council (the Qualifying Body) submitted the Bourton - Dorset Neighbourhood Plan 2016-2031, and associated documents, to the District Council in November 2016.
5. The plan, and associated documents, were subject to formal consultation between February and April 2017. 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 Robert Yuille MSc DipTP MRTPI. His report on the plan was published in September 2017.
6. The Examiner's report concluded that subject to a number of modifications the plan should proceed to referendum. Bourton Parish Council confirmed that it was happy to accept all of the recommendations put forward by the Examiner.
7. Members of the District Council's Cabinet considered the Examiner's modifications on the 30 October 2017 and decided that his modifications 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 Bourton – Dorset Neighbourhood Plan 2016-2031 should be made to the next Full Council meeting (26 January 2018) 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.
8. The District Council held a referendum on 11 January 2018 with the area covered by the referendum being the parish of Bourton. This is the same area to which the neighbourhood plan applies. In the referendum 252 people (93%) voted in favour of the plan with 19 people (7%) voting against the plan. The turnout was 39%.
9. Where a referendum results in more than half those voting, voting in favour of the proposal, the District Council must make (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.
10. The Bourton - Dorset Neighbourhood Plan 2016-2031, 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 legislative requirements, including in terms of the basic conditions, which apply to neighbourhood plans.
11. Once made the neighbourhood plan will form part of the development plan for the parish of Bourton 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

Corporate Plan

12. The Bourton - Dorset Neighbourhood Plan 2016-2031, once made, will form part of the development plan and will therefore help to achieve the corporate priorities to 'Empower Thriving and Inclusive Communities' and 'Improve Quality of Life'.

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 breaches Human Rights (within the meaning of the Human Rights Act 1998). He agreed with the view of the District Council that the neighbourhood plan does not breach human rights requirements.

Environmental

15. The production of the plan has met EU Obligations in terms of requirements relating to the production of a Strategic Environmental Assessment (SEA) and a Habitats Regulation Assessment (HRA). As part of the plan-making process the plan was subject to a Strategic Environmental Report. It concluded that the plan would be likely to have significant positive effects on setting of the historic environment, on the rural character of the village, on the quality of community life and on the protection and enhancement of green spaces.
16. The Bourton Neighbourhood Plan Strategic Environmental Assessment (SEA) Screening Report and Habitat Regulations Assessment (HRA) Screening Report (2014) concluded that the plan didn't need to be subject to a HRA. The Examiner sets out in his report that he agrees with this conclusion.

Economic Development

17. The plan contains a policy (Policy 12: Support for Local Business) that aims to support existing businesses, encourage new businesses, home working and social enterprises that benefit the community, and help to move Bourton towards a low carbon economy by encouraging local employment and enterprise.

Risk Management (including Health & Safety)

18. 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 the objections that have been made to the plan, and is satisfied that the plan does meet the necessary requirements in these regards. Given the evidence before them Officers consider that there is no basis for reaching a different view to the Examiner.

Consultation and Engagement

19. There has been a significant amount of consultation on the Bourton - Dorset Neighbourhood Plan 2016-2031 during 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 (February to April 2017) prior to the plan being considered by the independent Examiner.

Appendices

Appendix A: Referendum version of the Bourton-Dorset Neighbourhood Plan 2016-2031

Background Papers

Documents relating to the Bourton-Dorset Neighbourhood Plan 2016-2031 can be accessed via: <https://www.dorsetforyou.gov.uk/article/424844/Proposed-Bourton-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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