

Full Council

27 July 2018

Gillingham 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 Gillingham Neighbourhood Plan 2016-2031 part of the development plan for use in planning decisions in the Gillingham Neighbourhood Area.

Officer Recommendations

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

Reason for Decision

3. The Gillingham Neighbourhood Plan referendum was held on 12 July 2018. A majority (91%) voted for the District Council to use the neighbourhood plan to help decide planning applications in Gillingham. The Council has 8 weeks to 'make' a plan following a successful Yes vote.

In order to get to this stage, a lot of voluntary effort has been put in by the Town Council and local residents, and this deserves to be acknowledged.

Background and Reason Decision Needed

4. The District Council designated the Gillingham Neighbourhood Area in August 2012. Following significant amounts of consultation and research, Gillingham Town Council (the qualifying body) submitted the Gillingham Neighbourhood Plan 2016-2031 to the District Council in July 2017.
5. As required by legislation, the District Council undertook a formal consultation of the plan lasting 6 weeks between January and February 2018. The District Council also made arrangements for its independent examination, and appointed David Kaiserman (BA, DipTP, MRTPI) as the examiner. His final report was issued 4 April 2018.
6. The examiner's report concluded that subject to a number of modifications the plan should proceed to referendum. The Town Council confirmed that it would accept all the modifications proposed by the examiner plus a small number of additional modifications proposed by officers in order to correct errors.
7. The District Council's Cabinet considered the proposed modifications on the 29 May 2018 and agreed that the neighbourhood plan, as amended with the proposed changes, should proceed to referendum. Cabinet also agreed that a recommendation to 'make' the Gillingham Neighbourhood Plan 2016-2031 should be made to Full Council following 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 12 July 2018 with the area covered by the referendum being the civil parish of Gillingham. This is the same area to which the neighbourhood plan applies. Voters were asked: "Do you want North Dorset District Council to use the neighbourhood plan for the parish of Gillingham to help it decide planning applications in the neighbourhood area?" 1,919 people (91%) voted Yes and 201 people (9%) voted No. The turnout was 23%.
9. Where a referendum results in a majority 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 Gillingham 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 statutory development plan for the civil parish of Gillingham alongside other plans including the North Dorset Local Plan Part 1. Planning applications, which will be considered by the District Council (the new Dorset Council will consider planning applications from the 1 April 2019), will be made in

accordance with the development plan unless material considerations indicate otherwise.

Implications

Corporate Plan

12. The Gillingham Neighbourhood Plan 2016-2031, once made, will form part of the statutory 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 and the referendum.

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 SEA and HRA Screening Report. The District Council, taking into account the views of Statutory Consultation Bodies (Natural England, Environment Agency and Historic England), agreed with its findings that the Plan was unlikely to have significant environmental effects and that consequently a SEA was not required.
16. The Screening Report also 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 number of policies that will support economic development, including Policy 4 (Support improvements in existing employment sites, Policy 5 (The loss of employment sites outside of the Town Centre), Policy 6 (Forestry and tourism / recreation projects), Policy 7 (Development within the Town Centre boundary), Policy 8 (Station Road Mixed Use Area), and Policy 9 (Town centre uses outside of the Town Centre).

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 the representations 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 Gillingham Neighbourhood Plan 2016-2031 during its production. This is detailed in the Consultation Statement that was submitted with the plan. In addition, the District Council undertook a statutory six week consultation (January to February 2018) prior to the plan being considered by the independent examiner.

Appendices

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

Background Papers

All documents that were submitted with the Gillingham Neighbourhood Plan in July 2017, and those produced subsequently, can be accessed via:

www.dorsetforyou.gov.uk/Proposed-Gillingham-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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