

Full Council 8 March 2019 Hazelbury Bryan Neighbourhood Plan 2018 to 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), the Localism Act 2011 and the Neighbourhood Planning Act 2017. More detail is set out in the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Neighbourhood Planning (Referendums) Regulations 2012 (as amended).

Purpose of Report

1. To make the Hazelbury Bryan Neighbourhood Plan 2018 to 2031 part of the development plan for use in planning decisions in the Hazelbury Bryan Neighbourhood Area.

Officer Recommendations

2. The following recommendations are made:
 - a) That the District Council makes the Hazelbury Bryan Neighbourhood Plan 2018 to 2031 (as set out in Appendix A) part of the statutory development plan for the Hazelbury Bryan Neighbourhood Area.
 - b) That the District Council offers its congratulations to Hazelbury Bryan Parish Council and members of the Neighbourhood Plan Group in producing a successful neighbourhood plan.

Reason for Decision

3. To make the Hazelbury Bryan Neighbourhood Plan 2018 to 2031 part of the statutory development plan for the Hazelbury Bryan Neighbourhood Area. In addition, to recognise the significant amount of work undertaken by the Parish Council and members of the Neighbourhood Plan Group in preparing the neighbourhood plan and to congratulate both the Parish Council and the Group on their success.

Background and Reason Decision Needed

4. Members will be aware that the neighbourhood plan area for Hazelbury Bryan was formally designated by the District Council in October 2016. Following significant amounts of consultation and research Hazelbury Bryan Parish Council (the Qualifying Body) submitted the Hazelbury Bryan Neighbourhood Plan 2018 to 2031, and associated documents, to the District Council in July 2018.
5. The plan, and associated documents, were subject to formal consultation from 10 August to 21 September 2018. The District Council subsequently made arrangements for an independent Examination of the plan as required by The Neighbourhood Planning (General) Regulations 2012 (as amended).
6. The Examination was conducted by Mr David Kaiserman BA DipTP MRTPI and his report on the plan was published on 21 November 2018. The Examiner's Report concluded that subject to a number of modifications the plan should proceed to referendum.
7. Members of the District Council's Cabinet considered the Examiner's Report, including his recommendations, on the 10 December 2018 and decided that his recommended modifications, and some minor changes to correct errors, 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 (adopt) the Hazelbury Bryan Neighbourhood Plan 2018 to 2031 should be made to the next Full Council meeting 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 7 February 2019 with the area covered by the referendum being the Parish of Hazelbury Bryan. This is the same area to which the neighbourhood plan applies. In the referendum 386 people (91.9%) voted in favour of the plan with 34 people (8.1%) voting against the plan. The turnout was 48%.
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 Hazelbury Bryan Neighbourhood Plan 2018 to 2031, as proposed to be made, is attached at 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 Hazelbury Bryan 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 Hazelbury Bryan Neighbourhood Plan 2018 to 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 and 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 relevant legislative requirements, including EU Obligations, 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 as it was progressed. It concluded that the proposals in the plan would not result in significant harm to the environment. In terms of the potential need for a HRA, it was concluded at the screening stage that the proposals within the plan were unlikely to harm any international or nationally designated site or significantly affect the interest features for which they are notified. Consequently, a HRA was not produced.

Economic Development

16. The plan contains a policy (Policy HB20. Economic Development Opportunities) that aims to retain and allow for the small scale expansion of existing employment sites shown on Figure 11 in the plan. Whilst the plan does allow for the potential loss of two areas of employment land an alternative employment area has been identified, adjoining King Stag Mill and is allocated for employment use.

Risk Management (including Health & Safety)

17. 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 responses received in respect of the consultation on the submission version of 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

18. There has been a significant amount of consultation on the Hazelbury Bryan Neighbourhood Plan 2018 to 2031 during its production. This is detailed in the Consultation Statement submitted with the submission version of the plan. In addition, the District Council undertook a statutory six week consultation (10 August to 21 September 2018) prior to the plan being considered by the independent Examiner.

Appendices

Appendix A: Referendum version of the Hazelbury Bryan Neighbourhood Plan 2018 to 2031

Background Papers

Documents relating to the Hazelbury Bryan Neighbourhood Plan 2018 to 2031 can be accessed via: <https://www.dorsetforyou.gov.uk/planning-buildings-land/planning-policy/north-dorset/neighbourhood-planning/submitted-plans/hazelbury-bryan-neighbourhood-plan.aspx>

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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