

Strategy Committee

13th December 2018

Holwell Neighbourhood Plan – Independent Examiner’s Report

For Decision

Portfolio Holder

Cllr Ian Gardner - Planning

Senior Leadership Team Contact:

S Hill, Strategic Director

Report Author:

J.Langrish-Merritt, Senior Planning Officer

Statutory Authority

The various stages for preparing and making a neighbourhood plan are prescribed in the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004, as amended. 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 consider and decide what action to take in response to each of the recommendations (and the reasons for them) in the independent examiner’s report as set out in Appendix A including each of the modifications to the policies and text of the Holwell Neighbourhood Plan as submitted (Appendix B) to ensure the neighbourhood plan would meet the ‘basic conditions’ and other legal requirements.

Recommendations

- 2 The following recommendations are made:
 - a) Agreement is sought for the Holwell Neighbourhood Plan, to be amended to reflect the recommendations in the examiner’s report (Appendix A);
 - b) That a referendum on the amended neighbourhood plan is held over the neighbourhood area and is arranged as soon as possible; and
 - c) That a recommendation to ‘make’ the Holwell Neighbourhood Plan be made to the next Full Council 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 Decision

- 3 To progress the Holwell Neighbourhood Plan to referendum so that pending a favourable vote, the plan can be 'made'.

Background and Reason Decision Needed

- 4 In August 2018 the Holwell Parish Council submitted the draft Holwell Neighbourhood Plan and supporting evidence to the District Council. The plan was subject to significant public consultation during its production.
- 5 Consultation on the submitted draft plan and supporting documents was undertaken between 6th September 2018 and 19th October 2018. An independent examiner, Mr Andrew Mead, was appointed to undertake the examination of the neighbourhood plan with the agreement of the Holwell Parish Council. The results of this formal consultation were sent to him.
- 6 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:
 - To conclude that the plan meets all legal requirements and should proceed to referendum;
 - To suggest some modifications to the plan to ensure legal compliance and that the plan as modified should proceed to referendum; or
 - To conclude that the plan does not meet the legal requirements and that it should not proceed.
- 7 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.
- 8 The 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.
- 9 The examiner issued his report on the examination of the Holwell Neighbourhood Plan to the council on 28th November 2018. This report is included in Appendix A. The report was forwarded to the Parish Council for their consideration.
- 10 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.
- 11 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 parish of Holwell)
- 12 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 submitted, prior to amendment to reflect the examiners recommendations, is included as Appendix B.
- 13 The Parish Council formally considered the changes detailed in the examiner's report at their meeting earlier this week. Subject to the result of this meeting, confirmation that the changes were agreed will be given verbally at the Strategy Committee meeting on 13th December 2018. The Parish Council will then be notified of the Committee's decisions.
- 14 The referendum will be organised by the Returning Officer of the District Council, with the Parish Council, local members and Planning Portfolio Holder being kept informed of the arrangements. It is hoped that the Referendum could be in early 2019.
- 15 Should the referendum return a positive result, the council must make the plan (bring it into legal force) within 8 weeks of the referendum date unless legal issues arise which are unresolved by the end of this 8 week period.
- 16 Subject to the result of the referendum and any legal issues, the intention is for the plan to be brought to the next available full council meeting after the referendum with a recommendation that the plan be made.

Implications

Corporate Plan

- 17 The Holwell Neighbourhood Plan, once made, will form part of the development plan and will be used when making decisions on planning applications within the Holwell Neighbourhood Area. It will therefore help to achieve the following priorities:
- Build strong inclusive and sustainable communities that empower local people to influence and provide the services that matter most to them;
 - Increase the number of new homes built within the district; and
 - Safeguard and provide opportunities to enjoy the natural and built environment now and in the future.

Financial

- 18 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, the District 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

Equalities

- 19 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.

Environmental

- 20 Part of the role of the independent examiner is to consider whether the neighbourhood plan contributes towards achieving sustainable development. Sustainable development as defined in the National Planning Policy Framework includes an environmental element and therefore consideration has been given to the environment by the examiner. The examiner was satisfied that the neighbourhood plan meets this requirement and does contribute towards achieving sustainable development.
- 21 In addition, during the early stages of its production, the neighbourhood plan was subject to a Strategic Environmental Assessment (SEA) screening which looked at the aims of the plan and the environmental constraints in the area. The conclusion of this screening was that a full SEA, to assess potential significant environmental effects, was not required.

Economic Development

- 22 The examiner has concluded that the neighbourhood plan contributes towards achieving sustainable development. There are three dimensions to sustainable development including an economic role and therefore consideration has been given to this aspect of sustainability by the examiner

Risk Management (including Health & Safety)

- 23 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 Holwell

Human Resources

- 24 The referendum will be organised by Electoral Services. Ongoing support for the plan will be provided by the Local Plans Team.

Consultation and Engagement

- 25 The independent examiner for the neighbourhood plan has considered the consultation undertaken to date and is satisfied that this has met the legal requirements. The examiner's report has been published on the District Council's website and is included in Appendix A.
- 26 The publicity for the referendum will be in accordance with the Neighbourhood Planning (Referendum) Regulations 2012, as amended.
- 27 It is important that the District Council is seen to be making timely progress on the stages for which it is responsible, particularly given the amount of local community effort that has gone into the project

Appendices

Appendix A: Examiners Report

Appendix B Holwell Neighbourhood Plan - available at:
<https://www.dorsetforyou.gov.uk/holwell-neighbourhood-plan>

Background Papers

Documents relating to the Howell Neighbourhood Plan are available at
<https://www.dorsetforyou.gov.uk/holwell-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.

Report Author: J. Langrish-Merritt, Senior Planning Officer

Telephone: 01305 252505

Email: jangrish-merritt@dorset.gov.uk

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