



Date of Meeting: 1 October 2019
Portfolio Holder: Cllr D Walsh, Planning
Local Member(s): Cllr E Parker
Director: John Sellgren, Executive Director of Place

Executive Summary:

The Milborne St Andrew Neighbourhood Plan has recently been subject to independent examination and a referendum. The purpose of this report is to make the Milborne St Andrew Neighbourhood Plan part of the development plan for use in planning decisions in the Milborne St Andrew Neighbourhood Area.

Equalities Impact Assessment:

Part of the independent examiner's role was to consider 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. No issues were raised by him in this regard.

Budget:

When the referendum date was set for the neighbourhood plan the 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 the neighbourhood plan including the costs associated with the examination and the referendum.

Risk Assessment:

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW
Residual Risk LOW

A legal challenge could theoretically be made against the 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.

Climate Implications:

The plan seeks to protect and enhance the environment within the Parish of Milborne St Andrew including in respect of mitigating and adapting to climate change. The plan was subject to a Strategic Environmental Assessment as it was progressed. No likely significant adverse impacts were identified as a result of the assessment process. The assessment concludes that overall the policies in the plan should secure positive benefits.

Other Implications:

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

Recommendation:

The following recommendations are made:

- a) That the Council makes the Milborne St Andrew Neighbourhood Plan 2018 to 2033 (as set out in Appendix A) part of the statutory development plan for the Milborne St Andrew Neighbourhood Area.
- b) That the Council offers its congratulations to Milborne St Andrew Parish Council and members of the Neighbourhood Plan Group in producing a successful neighbourhood plan.

Reason for Recommendation:

To make the Milborne St Andrew Neighbourhood Plan part of the statutory development plan for the Milborne St Andrew 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.

Appendices:

Appendix A: Referendum version of the Milborne St Andrew Neighbourhood Plan 2018 to 2033

Background Papers:

Documents relating to the Milborne St Andrew Neighbourhood Plan are available at <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/north-dorset/neighbourhood-planning/submitted-plans/milborne-st-andrew.aspx>

Officer Contact

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1. Background and Reason Decision Needed

- 1.1. The neighbourhood plan area for Milborne St Andrew was formally designated by North Dorset District Council (NDDC) on 16 June 2014. Following significant amounts of consultation and research Milborne St Andrew Parish Council (the Qualifying Body) submitted the Milborne St Andrew Neighbourhood Plan 2018 to 2033, and associated documents, to the District Council in October 2018.
- 1.2. The plan, and associated documents, were subject to formal consultation from 18 January 2019 to 1 March 2019. The District Council (prior to the formation of Dorset Council) subsequently made arrangements for an independent examination of the plan as required by The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.3. The examination was conducted by Mr David Kaiserman BA DipTP MRTPI and his report on the plan was published on 13 May 2019. The Examiner's Report concluded that subject to a number of modifications the plan should proceed to referendum.
- 1.4. Members of the Council's Cabinet considered the Examiner's Report, including his recommendations, on the 25 June 2019 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 the Milborne St Andrew Neighbourhood Plan 2018 to 2033 should be made to the next Cabinet meeting after the referendum if the result of the referendum was in support of making the plan and there are no other issues identified that would go against such a decision.
- 1.5. The Council held a referendum on 8 August 2019 with the area covered by the referendum being the Parish of Milborne St Andrew. This is the same area to which the neighbourhood plan applies. In the referendum 281 people (90.6%) voted in favour of the plan with 29 people (9.4%) voting against the plan. The turnout was 34.7%.
- 1.6. Where a referendum results in more than half those voting, voting in favour of the proposal, the 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.
- 1.7. The Milborne St Andrew Neighbourhood Plan 2018 to 2033, 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.