

Full Council

8 January 2015

Cerne Valley Neighbourhood Plan - Adoption

For Decision

Member Champion(s):

Cllr S East, Planning

Director: D Evans, Director of Environment

1. Purpose of Report

- 1.1 To make the Cerne Valley Neighbourhood Plan part of the development plan for the area, in light of the referendum results and legal considerations.

2. Officer Recommendations

- 2.1 (a) that the District Council make the Cerne Valley Neighbourhood Plan part of the statutory development plan for the Cerne Valley neighbourhood area

(b) That the District Council offers its congratulations to the Cerne Valley Parish Council on producing the first adopted neighbourhood plan in Dorset.

3. Reasons for Recommendation

- 3.1 To formally adopt the Cerne Valley Neighbourhood Plan as part of the statutory development plan, and to acknowledge the significant work and effort undertaken by the parish council and volunteers in producing the plan that is clearly supported by the majority of its residents.

4. Background Information

- 4.1 Following much consultation and research the Cerne Valley Group Parish Council submitted its neighbourhood plan and supporting evidence to the district council in December 2013. The District Council made the necessary arrangements for the independent examination of the plan, and the examiner's report was received in August 2014.
- 4.2 In September 2014 Cerne Valley Parish Council and West Dorset's Executive Committee considered and agreed the independent examiner's recommendations on the Cerne Valley neighbourhood plan. The District Council agreed to make the necessary arrangements for the referendum, and to make the plan is made at the next available Full Council meeting provided that the results of the referendum supported the making of the plan and there were no other issues identified that would go against such a decision.

- 4.3 The District Council organised the referendum, with the relevant publicity and information, including
- A summary of representations submitted to the examiner
 - The examiner's report
 - The Cerne Valley Neighbourhood Plan (as proposed)
 - The decision statement, which contains a statement by the local planning authority that the plan as proposed meets the basic conditions
 - The information statement, which contains general information as to town and country planning including neighbourhood planning and the referendum.
- 4.4 The referendum was held on 11 December 2014, and the area covered by the referendum neighbourhood plan was the parishes of Cerne Abbas, Godmanstone, Nether Cerne and Upcerne, which form the Cerne Valley group. People who were entitled to vote in the referendum were those that lived in the referendum area, were on the electoral register to vote in local council elections and were 18 years of age or over on 11 December 2014.
- 4.5 The referendum question was "Do you want West Dorset District Council to use the neighbourhood plan for Cerne Valley to help it decide planning applications in the neighbourhood area?" People could either vote yes or no to this question.

5. Report

- 5.1 The referendum results were 301 (92% of those voting) in support of the plan, compared to 26 (7% of those voting) who were not in support of the plan. Therefore the majority of those voting were in support of the neighbourhood plan. The turnout was 39.3% – which is higher than usual Parish Council elections.
- 5.2 Where a referendum results in more than half those voting, voting in favour of the proposal, the Council must make (ie 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.
- 5.3 The Cerne Valley Neighbourhood Plan, as proposed to be made, is attached as Appendix 1. 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 on the plan's acceptability.
- 5.4 The Council must publish its decision and reasons on its website and send copies to the parish council and any body who asked to be notified. A draft of the decision statement is attached at Appendix 2.
- 5.5 It should be noted that, as the neighbourhood plan is in general conformity with the strategic policies of the Local Plan, once it is made, the policies it contains will take precedence over existing non-strategic policies in the Local Plan for that neighbourhood.

6. Financial Implications

- 6.1 Following the successful examination the District Council has claimed £20,000 from the Department of Communities and Local Government in relation to the referendum stage. There is sufficient funds remaining to support the necessary publicity and printing of the final plan.

Other Considerations:

7. Legal/Statutory Power

- 7.1 The various stages for taking a neighbourhood plan through to adoption are prescribed in the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004 as amended, and the Neighbourhood Planning (General) Regulations 2012, the Neighbourhood Planning (Referendum) Regulations 2012 and the Neighbourhood Planning (Referendums) (Amendment) Regulations 2013.

8. Human Resources (including Health & Safety)

- 8.1 Support for taking this project through to completion will be provided by the Spatial Policy and Implementation team.

9. Risk Management

- 9.1 A legal challenge could potentially be made at this stage (through a claim for Judicial Review within 6 weeks of the decision being published) if there were concerns raised in relation to the conduct of the referendum, or if the Council were to decline to make the neighbourhood plan as soon as reasonably practical (unless we felt that the making of the plan would breach, or otherwise be incompatible with any EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998).

10. Reputation, including Communications and Consultation

- 10.1 Neighbourhood plans will become part of the development plan and therefore will have a significant influence on future planning decisions. There has been significant publicity in relation to the examination and referendum process. In advance of the referendum the Cerne Valley neighbourhood plan working group, organised the delivery of an informative newsletter to every household in the Valley.

11. Equalities

- 11.1 The examiner considered 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.

12. Crime and Disorder

12.1 Not applicable

13. Environmental Considerations

13.1 The examiner considered whether the neighbourhood plan would breach, or otherwise be incompatible with the environmental considerations highlighted in the national planning policy framework and European legislation

14. Economic Impact Assessment

- 14.1 Is the proposal likely to lead to an increase in the level of skills needed in the local workforce? Not applicable
- 14.2 Is the proposal likely to lead to growth in local employment? The plan is supportive of economic growth
- 14.3 Is the proposal likely to lead to growth in the number of businesses? The plan is supportive of economic growth
- 14.4 If the overall economic implications are seen as negative what mitigating factors have been considered? Not applicable

15. Corporate Plan (links to corporate aims & priorities)

15.1 C1. Creating a planning framework which balances environmental protection with meeting community and economic needs

16. Appendices

16.1 Appendix 1 – The Cerne Valley Neighbourhood Plan, as proposed to be made
Appendix 2 – draft decision statement

17. Background Documents (including relevant policy documents)

17.1 Documents relating to the submission and examination of the Cerne Valley Neighbourhood Plan <https://www.dorsetforyou.com/412073>

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