

**STROUD DISTRICT COUNCIL  
COUNCIL**

**AGENDA  
ITEM NO**

**21 FEBRUARY 2019**

**8**

<b>Report Title</b>	<b>DURSLEY NEIGHBOURHOOD DEVELOPMENT PLAN</b>
<b>Purpose of Report</b>	To decide whether the Dursley Neighbourhood Development Plan should be made part of the Development Plan for Stroud District following the positive outcome of the referendum held on Thursday, 15th November 2018.
<b>Decision(s)</b>	<p><b>Council RESOLVES:</b></p> <ol style="list-style-type: none"> <li><b>1. That the Dursley Neighbourhood Development Plan is made part of the Development Plan for Stroud District.</b></li> <li><b>2. To delegate to the Director of Development Services, in agreement with the Qualifying Body, the correction of any further minor spelling, grammatical or typographical errors together with any improvements from a presentational perspective.</b></li> </ol>
<b>Consultation and Feedback</b>	<p>A Referendum relating to the adoption of the Dursley Neighbourhood Development Plan was held on Thursday 15th November 2018.</p> <p>The question which was asked in the Referendum was: "Do you want Stroud District Council to use the Neighbourhood Plan for Dursley to help it decide planning applications in the neighbourhood area?"</p> <p>The result was as follows:</p> <ul style="list-style-type: none"> <li>• Yes = 1434 votes (85.5%)</li> <li>• No = 243 votes (14.5%)</li> <li>• Turnout = 31.7%</li> </ul> <p>All neighbourhood development plans are required to gain a majority of 50% plus one in favour at a local referendum in order to become part of the Development Plan. They are then required to be 'made'/ adopted by the local planning authority. If the plan received a positive result the local planning authority has a legal duty to bring the plan into force.</p>

<b>Financial Implications and Risk Assessment</b>	<p>No direct financial implications arising from this development plan. It is a legal requirement to bring the plan into force, not adopting it would lead to costs associated with legal challenge.</p> <p>Adele Rudkin, Accountant Tel: 01453 754109 Email: <a href="mailto:adele.rudkin@stroud.gov.uk">adele.rudkin@stroud.gov.uk</a></p>
<b>Legal Implications</b>	<p>The legal position in respect of adopting the Neighbourhood Plan is correctly summarised in paragraph 8 of this report.</p> <p>Alan Carr, Solicitor Tel: 01453 754357 Email: <a href="mailto:alan.carr@stroud.gov.uk">alan.carr@stroud.gov.uk</a></p>
<b>Report Author</b>	<p>Simon Maher, Neighbourhood Planning Officer Tel: 01453 754339 Email: <a href="mailto:simon.maher@stroud.gov.uk">simon.maher@stroud.gov.uk</a></p>
<b>Options</b>	<p>The Council has a legal duty to bring the plan into force following a positive result at the local referendum.</p> <p>The only circumstances in which the Council could not make the Neighbourhood Plan would be if it considers that the Neighbourhood Plan, including its preparation, breaches and would otherwise be incompatible with any EU obligation or any Convention rights (within the meaning of the Human Rights Act 1998)</p>
<b>Performance Management Follow Up</b>	<p>The Neighbourhood Plan, when 'made', will continue to form part of the Development Plan for the District and will be used to determine planning applications. The implementation of the Plan will be monitored by the Town Council. A key measure of success will be the extent to which planning permissions granted in the Parish reflect the policies in the Plan.</p> <p>It is hoped that by monitoring the Plan, the Town Council will be able to ascertain where changes may need to be made when the Plan is updated.</p>
<b>Background Papers/ Appendices</b>	<p>Appendix A – <a href="#">Dursley Neighbourhood Development Plan</a></p>

## BACKGROUND

1. The Dursley Neighbourhood Area was designated by resolution of the Council's Environment Committee on 4<sup>th</sup> February 2014.
2. The preparation of the Dursley Neighbourhood Development Plan (DNDP) was led by Dursley Town Council ('the qualifying body').

3. A submission version of the DNDP was accepted by the Council on 25<sup>th</sup> May 2018, under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the regulations'). As prescribed by 'the regulations', the Council consulted on the plan for six weeks and arranged for the plan to be examined.
4. The Council appointed John Slater MRTPI as independent examiner of the DNDP.
5. The examination concluded on 6<sup>th</sup> September 2018 with the submission of the Examiner's Report, which recommended that the DNDP, once modified, should proceed to a referendum.
6. The Council's Environment Committee decided on 13<sup>th</sup> September 2018:
  1. to accept all recommended modifications of the Examiner's Report
  2. that 'the plan', as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and
  3. to take all appropriate actions to progress the plan to referendum on the 15<sup>th</sup> of November 2018.
7. Following the positive result at referendum, the DNDP became part of the Development Plan for the Stroud District.

## **CONSIDERATION**

8. Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Under section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities have a legal duty to make a neighbourhood development plan following a positive referendum result. This is subject to the limited exception, in sub section (6), whereby the council need not adopt the plan if it considers that it would be incompatible with any European Union obligations or Human Rights conventions. In this regard, Environment Committee on 13<sup>th</sup> September 2018 determined that such requirements had been considered and satisfied. Therefore to not make/adopt the Dursley Neighbourhood Development Plan would be in breach of these statutory provisions.

## **NEXT STEPS**

9. The Council must publish a statement setting out its decision and the reason for making it.
10. Once made, the Plan continues to form part of the statutory Development Plan for the District. The NPPF (paragraph 198) states: "Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted."

11. As soon as possible the Council should publish the plan, details of when and where it can be inspected and notify any person who has asked to be notified that it has been made and where and when it may be inspected.