

Report to: **Annual Council**

Date: **20 May 2021**

Title: **Kingswear Neighbourhood Plan**

Portfolio Area: **Place Making – Cllr Pearce**

Wards Affected: **Dartmouth and East Dart**

Urgent Decision: **Y** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting.

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RECOMMENDATION:

That Council approves the making (adoption) of the Kingswear Neighbourhood Development Plan.

1. Executive summary

- 1.1 Neighbourhood Development Plans are a community right introduced by the Localism Act 2011. They are the responsibility of Parish Councils.
- 1.2 Once 'made', or adopted, by the Local Planning Authority, they become a part of the Development Plan for the district and are used alongside the Local Plan to decide planning applications in the area they relate to.
- 1.3 In order to comply with the Neighbourhood Planning (General) Regulations 2012, the plan must be made by South Hams District Council as the relevant Local Planning Authority within 8 weeks of a successful referendum result.

2. Background

- 2.1 The Kingswear Neighbourhood Plan has been undertaken by Kingswear Parish Council in accordance with the relevant legislation and regulations.
- 2.2 The Kingswear Neighbourhood Area was designated on 19th May 2016.
- 2.3 Following the necessary community engagement, consultation and background work, a draft plan was submitted to South Hams District Council on 27th April 2020, in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

- 2.4 The District Council consulted on the draft plan between 1st June 2020 and 13th July 2020 , in accordance with Regulation 16 of the above Regulations.
- 2.5 Following this consultation an independent examiner was appointed in accordance with Regulation 17, who confirmed that, subject to minor modifications, the plan met the 'basic conditions' as set out in legislation, and was suitable to go forward to referendum.
- 2.6 The Council agreed with the Examiner's conclusion, and a referendum held on 6th May 2021 achieved a turnout of 48.24% of local residents. Of these, 86.71% voted in favour of the plan.
- 2.7 Following a majority vote in a referendum to 'make' the plan, it becomes a statutory part of the Local Development Plan and is used alongside the Joint Local Plan to help decide planning applications in the Neighbourhood Area.
- 2.8 Council officers have worked alongside the Kingswear Neighbourhood Plan Group to ensure that the Neighbourhood Plan provides an appropriate framework for development in the Kingswear area up to 2034.
- 2.9 Officers confirm that the plan meets the necessary 'basic conditions', including conformity with the Local Plan and with national policy.
- 2.10 Regulation 18a of the Neighbourhood Planning (General) Regulations 2012 requires that a neighbourhood plan is 'made' by the Local Planning Authority no later than 8 weeks from the date of a successful referendum. In this case the relevant date by which the plan should be made is 30th June 2021.
- 2.11 The Council has previously expressed support for neighbourhood plans as a way of achieving local and community priorities.

3. Outcomes/outputs

- 3.1 Once made, the Kingswear Neighbourhood Development Plan will become part of the Local Development Plan and will be used to help decide planning applications in the Kingswear area.
- 3.2 A successful outcome for this neighbourhood plan will provide encouragement to the many other Parishes who are currently working on neighbourhood plans.

4. Options available and consideration of risk

- 4.1 Neighbourhood Plans come into force as part of the Development Plan immediately following a successful referendum. Therefore the Kingswear Neighbourhood Plan should now be used to decide planning applications.
- 4.2 However, in order to comply with the relevant legislation, the Local Planning Authority must make a neighbourhood plan within the required timeframe following a successful referendum, unless a legal challenge has been brought in relation to the referendum or unless there are concerns about the compatibility of the neighbourhood plan with any EU or human rights legislation. In this instance there are no such concerns.

- 4.3 Failure to make the Kingswear Neighbourhood Plan within the required timeframe could open the Council to legal challenge.

5. Proposed Way Forward

- 5.1 It is recommended that Council approve the making of the Kingswear Neighbourhood Development Plan.

6. Implications

Implications	Relevant to proposals Y/N	Details are set out in this report.
Legal/Governance	Y	The function of making a Neighbourhood Plan is the responsibility of the full Council. The Kingswear Neighbourhood Plan has followed the procedure in the Neighbourhood Planning (General) Regulations 2012 and the referendum has been held in accordance with the Neighbourhood Planning (Referendums) Regulations 2012. The Council is therefore required to make the Neighbourhood Plan and must do so within 8 weeks of the date of the referendum.
Financial implications to include reference to value for money	N	There are no financial implications.
Risk	Y	There is a risk of legal challenge if the Neighbourhood Plan is not made within the required timeframe
Supporting Corporate Strategy	Y	The Council's role in the Neighbourhood Plan process is a statutory duty.
Climate Change - Carbon / Biodiversity Impact	Y	The Kingswear Neighbourhood Plan aligns with the Joint Local Plan and contains policies aimed at mitigating the effects of Climate Change and impacts upon Biodiversity.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	The Neighbourhood Plan has assessed Equality and Diversity implications as part of its background evidence.
Safeguarding	N	None

Community Safety, Crime and Disorder	N	No direct implications.
Health, Safety and Wellbeing	Y	Positive outcomes are anticipated from the making of the Neighbourhood Plan.
Other implications	N	None

Supporting Information

Appendices:

None

Background Papers:

Background documents to the Kingswear Neighbourhood Plan, available at <https://www.neighbourhoodplanning.swdevon.gov.uk/Kingswear>