

HYTHE AND DIBDEN NEIGHBOURHOOD DEVELOPMENT PLAN – MAKING THE PLAN (ADOPTION)

1. RECOMMENDATION

1.1 It is recommended that Cabinet:

- (a) note the outcome of the Referendum of 29th October 2019; and
- (b) recommend to Council that the Hythe & Dibden Neighbourhood Plan be ‘made’ (adopted) as part of the Development Plan for New Forest District (Outside the National Park).

2. THE PURPOSE OF THE REPORT

- 2.1 The purpose of this report is to consider whether the Hythe & Dibden Neighbourhood Plan should be made part of the Development Plan for New Forest District (i.e. adopted) following the positive outcome of the referendum held on 29th October 2019.
- 2.2 It should be noted that as the designated Neighbourhood Plan Area falls partly within the New Forest National Park, the New Forest National Park Authority (NPA) are going through a similar process for the part of the parish within their planning area.

3. BACKGROUND

- 3.1 Neighbourhood Plans were introduced by the Localism Act 2011 to give communities direct power to shape the development of their local area. Neighbourhood Plans are planning documents that, once adopted, will then become part of the statutory ‘development plan’ for the area alongside the local plan. Local planning authorities and planning inspectors considering planning applications or appeals must make their decisions in accordance with the policies of the development plan, unless material considerations indicate otherwise.
- 3.2 The Hythe and Dibden Neighbourhood Development Plan ‘Neighbourhood Area’ was designated in December 2015 and covers the whole of the Parish. Around 25% of the parish area is within the New Forest National Park, and the remainder is within the District Council’s planning area.
- 3.3 Work on the Hythe and Dibden Neighbourhood Development Plan was overseen by a steering group of parish councillors and community representatives. The Parish Council undertook an initial public consultation in 2016 to inform the preparation of the Plan. In Summer 2018 the Parish Council published their initial draft Neighbourhood Plan and in December 2018 published their revised draft Neighbourhood Plan. Following the submission of the draft neighbourhood plan to the two local planning authorities in early 2019, the Plan was subject to a final 6 week public consultation between March to April 2019.
- 3.4 The representations made during this final consultation and various supporting documents (including a Consultation Statement and a Basic Conditions Statement) were submitted to the independent Examiner for their consideration.

- 3.5 The Examiner is required to assess whether the neighbourhood plan meets the 'basic conditions', which are that a neighbourhood plan should:
- have regard to national policy
 - contribute to the achievement of sustainable development
 - be in general conformity with strategic policies in the development plan
 - be compatible with EU obligations.
- 3.6 The Council (with the National Park Authority) has had a role in providing advice and assistance to the Parish Council in producing its Neighbourhood Plan, as required by paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 3.7 The Hythe and Dibden Neighbourhood Development Plan was put through its Examination and the independent Examiner's report was received in June 2019. Where necessary the Examiner recommended modifications to the Plan in order that it meets the Basic Conditions and other legal requirements.
- 3.8 NFDC, NPA and the Hythe and Dibden Parish Council met in July 2019 to discuss the Examiner's modifications and there was shared agreement that the Examiners proposed modifications to the plan were appropriate.

4. REFERENDUM AND THE MAKING OF THE NEIGHBOURHOOD PLAN

- 4.1 Approval of the Neighbourhood Development Plan (with modifications) and the decision to proceed to referendum was made at Cabinet on 4th September and Full Council on 9th September. Following this decision the District Council publicised the plan and the required notices regarding the date of the Referendum and how people could vote.
- 4.2 The referendum on the Neighbourhood Plan took place on 29th October 2019.
- 4.3 85% of voters answered 'yes' to the question: '*Do you want New Forest District Council and New Forest National Park Authority to use the Neighbourhood Plan for Hythe and Dibden to help it decide planning applications in the Neighbourhood Area?*'. The turnout was 14%.
- 4.4 As the majority of those who voted (i.e. over 50%) are in favour of the draft Neighbourhood Plan, then the Plan must be 'made' (adopted) by both the District Council and the National Park Authority within 8 weeks of the Referendum date. The only circumstance where the district council should not make this decision is where the making of the plan would breach, or would otherwise be incompatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and the UK Human Rights Act 1998, including equality implications. Both NFDC and the NFNPA have had regard to this and do not consider that the Plan breaches Human Rights. The Examiner considered this matter independently and found no reason to disagree with that position.
- 4.5 Upon formal adoption the Neighbourhood Plan becomes legally part of the statutory Development Plan (the Local Plan) and is a material consideration of weight for decision making purposes within Hythe and Dibden Parish. The Hythe and Dibden Neighbourhood Plan has the same status as Local Plan documents prepared by the Local Planning Authority.

5. FINANCIAL IMPLICATIONS

- 5.1 Now that the referendum has taken place the Council can claim £20,000 from the Ministry of Housing Communities and Local Government (MHCLG) towards the cost of supporting the preparation of the Neighbourhood Plan, arranging the Examination and carrying out the referendum
- 5.2 Communities that draw up a Neighbourhood Plan and secure the consent of local people in a

referendum, will benefit from 25% of the Community Infrastructure Levy revenues arising from the development that takes place in their area.

6. CRIME & DISORDER, ENVIRONMENTAL, DATA PROTECTION IMPLICATIONS

6.1 None directly arising.

7. EQUALITY & DIVERSITY IMPLICATIONS

7.1 None directly arising.

8. PORTFOLIO HOLDER COMMENTS

8.1 The Portfolio Holder congratulates Hythe & Dibden Parish Council in bringing forward the first Neighbourhood Plan for 'adoption', having been supported in a local referendum within the District and supports the recommendations.

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Background Papers:

Hythe & Dibden Neighbourhood
Plan

