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Statement on basic conditions and provisions of Stogumber Neighbourhood Development Plan (SNDP)

Having considered the matters raised through the submission consultation and the Independent Examiners report on the SNDP, West Somerset Council is satisfied that the modified SNDP, as published for the referendum:

- is compliant with European Convention of Human Rights;
- is compatible with EU Environmental Obligations and does not breach Convention Rights;
- meets all the Basic Conditions (as set out in Schedule 4B to the Town & Country planning Act 1990);
- complies with the provision concerning neighbourhood development plans made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011)

16 June 2017

EXECUTIVE DECISION RECORD SHEET

Name of decision maker: Cllr Keith Turner

Portfolio: Housing, Health & Wellbeing

Date of Portfolio Holder Decision: 1st August 2017

Title of Decision:

WSC accept the Independent Examiners recommendations 1 to 5 and 7 to 27 in their entirety and partially accept recommendation 6, minus the map defining the continuous built-up-area, as agreed with the Stogumber Parish Council. WSC will progress the amended Stogumber Neighbourhood Development Plan (SNDP) to referendum.

Decision made and reasons:

Having considered the matters raised through the submission consultation and the Independent Examiners report:

- The SNDP is compliant with European Convention of Human Rights;
- The SNDP does not breach and is compatible with EU Environmental Obligations;
- The SNDP, subject to modifications*, meets the Basic Conditions;

and that,

- On this bases the SNDP can progress to referendum and the referendum area should not extend beyond the Neighbourhood Area to which the Plan relates [neighbourhood area].

* Recommendations 1 to 5 and 7 to 27 in their entirety and partially accept recommendation 6, minus the footnote to a map defining the continuous built-up-area and that map. The Independent Examiner (IE) stated that the recommended policy wording clarified the Parish Councils preferred location for development being the existing built up area of the village of Stogumber or in close proximity to it (within 50 metres), and contiguous with that area being: previously developed land, land in private gardens, and land occupied by agricultural or forestry buildings. The revised SNDP policy wording was closely modelled on WSC Local Plan policy SC1: Hierarchy of Settlements. The SNDP policy is therefore in broad compliance with WSC Local Plan. A map, the IE suggested, would provide certainty for the purpose of interpreting and implementing the policy wording in the SNDP. The WSC Local Plan Policy does not have accompanying map(s) and the policy has been consistently applied in the planning application decision making process for other secondary villages.

Reports considered:

Report to Local Development Panel on 1st August 2017.

Officers/Councillors consulted

WSC Planning Policy Officers;
Local Development Panel Members;
Leader of WSC.

Alternative options considered and reasons for rejection

There is no know reason for rejecting the Independent Examiners report in its entirety, and to do so risks judicial review. The recommendations ensure the plan meets the Basic Conditions set out in legislation.

There is no known reason to extend the referendum area beyond designated the neighbourhood area.

**The following are if appropriate / applicable
If yes, the implications should be included in this decision notice**

Finance/Resource implications	Yes – WSC receives a DCLG grant to assist it in discharging its NDP duties. £20,000 will be received after a referendum date has been set, this will cover the cost incurred to date for the Examination and the costs of the referendum.
Legal implications	Yes – If WSC does not progress the NDP. WSC is required to progress a NDP referendum if it considers that as amended it meets the legal criteria. To not do so risks the intervention of the Secretary of State and any costs incurred by the Department for Communities and Local Government for that intervention are required to be met by WSC
Links to corporate priorities	<p>Yes -</p> <p>Theme 1: Our Communities</p> <ul style="list-style-type: none"> • 1a: <i>Increase the availability and affordability of homes for local people – to both buy and to rent;</i> • 1b: <i>The retention of young people; and</i> • 1c <i>The wellbeing of older people.</i> <p>Theme 2: Business & Enterprise</p> <ul style="list-style-type: none"> • 2b: <i>Support and promote West Somerset’s vital tourism and agricultural sectors.</i> <p>Theme 3: Our Place & Infrastructure</p> <ul style="list-style-type: none"> • 3a: <i>Support measures and proposals that protect local communities from flooding;</i> • 3b: <i>Influence others to improve the road network within West Somerset and the way in which it is managed and maintained; and</i> • 3c: <i>Work with others to find solutions that ensure facilities valued by local communities and visitors...continue to be available.</i>
Equality and Diversity implications	N/A
Crime and Disorder implications	N/A
Consultation implications	No –through documents production consultation has been in accordance with the Regulations and Act’s.
Asset Management implications	N/A

Environmental Impact implications	No – SNDP was subject of a Strategic Environmental Assessment (SEA) screening, which included consultation with the three SEA statutory consultees (Environment Agency, Natural England and Historic England). The report was conducted by an independent environmental consultancy. There are no individual, or cumulative, adverse impacts on the environment as a result of the Plan.
Health and Wellbeing	Yes – positive; supportive of Somerset Health & Wellbeing Strategy: <ul style="list-style-type: none"> • Priority 2: Families and communities are thriving and resilient: Action: Well-connected, vibrant communities; • Priority 3: Somerset people are able to live independently: Action: Housing for independence.
Partnership implications	N/A
Risk Management	N/A

Portfolio Holder's Signature



Date 8 August 2017

Details of any interests declared and any dispensations given by the Standards Advisory Committee:

Ratification of decision by the Leader

Leader's signature 

Date 8 August 2017

For Monitoring Officer use only
Date Decision Record Sheet received from Portfolio Holder
Date Decision Record Sheet passed to Leader
Date Decision Record Sheet received back from Leader
Date Members informed of decision
Date any Call-In received or decision implemented