

Report subject	Sandbanks Peninsula Neighbourhood Plan
Meeting date	23 July 2024
Status	Public Report
Executive summary	<p>The Sandbanks Peninsula Neighbourhood Plan was subject to independent examination in the Autumn of 2023. The examiner's report received on 15 December 2023 concluded that subject to modifications, the neighbourhood plan meets basic and legal conditions. Cabinet on 22 May 2024 agreed the examiner's modifications, together with the council's decision statement and approved the modified plan for referendum.</p> <p>This report has been prepared in anticipation of a positive referendum result. The referendum is scheduled for 18 July within the Sandbanks Peninsula area and the votes are due to be counted on 19 July. The results of the referendum will be reported to Council.</p> <p>The referendum question asked: 'Do you want BCP Council to use the Neighbourhood Plan for Sandbanks Peninsula to help it decide planning applications in the neighbourhood area?'</p> <p>If the result of the referendum is positive, the council must now bring the plan into force so that it forms part of the statutory development plan. It will be used alongside the Local Plan to determine planning applications in the Sandbanks Peninsula Neighbourhood area.</p>
Recommendations	<p>It is RECOMMENDED that Council:</p> <ol style="list-style-type: none"> Note the results of the Sandbanks Peninsula Neighbourhood Plan referendum held on 18 July 2024 (Declaration of Result of Poll - Appendix 1 and Ballot Box Verification Record – Appendix 2, which will be appended to this report following the referendum on 18 July 2024); Subject to a positive referendum result, agree to make the Sandbanks Peninsula Neighbourhood Plan (Appendix 3) and Appendices (Appendix 4), that was subject to referendum on 18 July 2024, part of BCP Council's statutory development plan so that it can be used alongside the Local Plan to determine

	<p>planning applications in the Sandbanks Peninsula neighbourhood area.</p> <p>c. Approve the Local Planning Authority's Decision Statement (Appendix 5) and delegate publication and circulation of the Decision Statement and Neighbourhood Plan to the Director of Planning and Transport in consultation with the Portfolio Holder for Dynamic Places.</p>
Reason for recommendations	To meet the statutory obligations including provisions set out in the from the Localism Act 2011, the Town & Country Planning Act 1990, the Neighbourhood Planning Act 2017, the Planning & Compulsory Purchase Act 2004 (and the Neighbourhood Planning Regulations 2012 (as amended)).
Portfolio Holder(s):	Councillor Vikki Slade - Leader of the Council and Portfolio Holder for Dynamic Places
Corporate Director	Glynn Barton, Chief Operations Officer
Report Authors	Caroline Peach, Head of Strategic Planning
Wards	Canford Cliffs
Classification	For Decision

Background

1. Neighbourhood Planning gives communities direct power to develop a shared vision for their neighbourhood and shape development and growth of their local area. One of the key aspects of neighbourhood planning is that communities can develop their own planning policies for a defined area. When a neighbourhood plan is 'made' by the council, it becomes part of the statutory development plan and has full weight in decision making when determining planning applications within the neighbourhood area.
2. BCP Council as the local planning authority has a statutory duty in accordance with the Localism Act 2011, the Town and Country Planning Act 1990, the Neighbourhood Planning Act 2017 and the Neighbourhood Planning Regulations 2012 (as amended), to support town and parish councils and neighbourhood forums for the purposes of producing their own neighbourhood plan.
3. There are six main stages in the neighbourhood planning process comprising:
 - (i) Designation of neighbourhood forum as qualifying body and designation of neighbourhood area.
 - (ii) Preparation of a draft neighbourhood plan by qualifying body

- (iii) Publicity and consultation on the draft pre-submission plan by the qualifying body.
 - (iv) Submission of the plan to the local planning authority.
 - (v) Independent examination.
 - (vi) Referendum and bringing the neighbourhood plan into force.
4. Following independent examination of the Sandbanks Neighbourhood Plan and the publication of the Examiner's Report, Cabinet resolved on 22 May 2024 to:
- a. Consider each of the recommendations of the examiner which relate to:
 - a number of modifications to the Submission Version Plan
 - i. that the referendum area should not be extended beyond the designated Neighbourhood Area
 - b. Agree with the recommendations by the examiner that the Sandbanks Peninsula Neighbourhood Plan (2023-2033) be modified as defined by the examiner
 - c. If item 2 is agreed, agree that the modified Sandbanks Peninsula Neighbourhood Plan proceeds to referendum on 18 July 2024
 - d. If item 2 is agreed, approve the Local Planning Authority's Decision Statement and list of modifications as tabled.

Referendum

5. The rules covering the organisation of the referendum are set out in the Neighbourhood Planning (Referendum) Regulations 2012 (as amended) and the Neighbourhood Planning (Prescribed Dates) Regulations 2012. This includes the requirement to hold the referendum within 56 days from the date of the Local Planning Authority's decision notice and publish specified documents on the council's website not less than 28 days before the date that the referendum is to be held. On 10 June, the [specified documents were published on the website](#). Electoral Services managed the organisation and arrangements for the referendum.
6. The Sandbanks Peninsula Neighbourhood Plan Referendum was held on Thursday 18 July 2024 and asked residents: "Do you want BCP Council to use the Neighbourhood Plan for Sandbanks Peninsula to help it decide planning applications in the neighbourhood area?". From an electorate of [to be added post-referendum] there was a turnout of [to be added post-referendum]. The results showed in favour of the Plan with [to be added post-referendum] YES votes (X%) and [to be added post-referendum] NO votes (X%).
7. The council must now bring the plan into force so that it forms part of the statutory development plan for the Sandbanks Peninsula neighbourhood plan. It will be used by decision makers (alongside the Local Plan) to determine planning applications in the Sandbanks Peninsula neighbourhood area.

Summary of financial implications

8. As part of its statutory duty to support neighbourhood planning groups, there are implications for officer time in the planning policy team to enable attendance at meetings, responding to emails and requests, making appropriate legal and planning issues checks, responding to consultations, publishing the neighbourhood plan for

consultation, making arrangements for independent examination and referendum. Whilst the costs of officer time are included in existing budgets, the cost of the examination and referendum need to be met by the Council.

9. There is financial support available for Local Planning Authorities from the Department of Levelling Up, Housing & Communities (DLUHC) to meet the cost of the referendum. LPA's can claim £20,000 when they issue a decision statement detailing their intention to send the plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012). However, the government grant did not cover the full cost of both the examination and the referendum. The shortfall was met from existing agreed budgets. There is no further cost in 'making' the neighbourhood plan.
10. When a Neighbourhood Plan is 'Made' (adopted by the Council), the Community Infrastructure Levy (CIL) Neighbourhood Portion rises from 15% to 25%. This means that the Neighbourhood Plan Forum will receive a higher amount of neighbourhood CIL from future development in the neighbourhood plan area.

Summary of legal implications

11. Neighbourhood Planning (General) Regulations 2012 (as amended) set out the statutory requirements placed on Councils. Regulation 20 requires that 'As soon as possible after making a neighbourhood development plan, a local authority must publish on their website and in such other manner as they consider is likely to bring the decision to the attention of people who live, work or carry on business in the neighbourhood area – (i) the neighbourhood development plan; and (ii) details of where and when the neighbourhood development plan may be inspected. At referendum on 18 July 2024, there was a majority vote in favour of the neighbourhood plan. Therefore, the council is obliged to 'make' the plan so that it forms part of the statutory development plan.
12. Before considering whether to 'make' the plan, the local authority must be satisfied that there would be no breach or incompatibility with any retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The Convention Rights protect the rights of people that belong to the Council of Europe, including the UK, and is different to the European Union. The Human Rights Act protect the right to life, the right to respect for private and family life, the right to personal liberty, the right not to be tortured or treated in an inhuman way, the right to a fair trial, a right to freedom of religion and belief and others, including right to education and freedom of expression. The neighbourhood plan has been through the statutory stages of consultation with comprehensive and wide engagement, independent examination and modification. It has been subject to Strategic Environmental Assessment (SEA) Screening and Equalities Impact Assessment (EqIA) Screening and the referendum on 18 July has been held in accordance with statutory requirements. The council can therefore be satisfied that there has been no breach of any civil, political, economic social and cultural rights and as such the plan is compatible with the Convention Rights.

Summary of human resources implications

13. Work involved with supporting and advising neighbourhood planning groups and managing the formalities to meet the legal requirements described in para11, have been met by resource from planning policy officers and within existing budgets.

Summary of sustainability impact

14. The sustainability impacts have been considered by the examiner as part of the basic conditions which requires the plan to contribute to the achievement of sustainable development. The examiner concluded that, subject to modifications, he was satisfied that the policies meet the requirement in that they have had proper regard to national policy and guidance. He also agreed with the Screening Determination that the requirements of the Strategic Environment Assessment had been met in that and concluded that the plan would not be likely to result in a significant effect on any European Site either alone or in combination, and no further assessment under the Habitats Regulations is required. Further, a Decision Impact Assessment (DIA ID: 674) has been completed which has concluded that the carbon footprint score of the proposal is low. This decision is supported by internal theme advisors for climate, environment, communities, consumption, learning, procurement and transport.

Summary of public health implications

15. The neighbourhood plan will positively benefit public health by; looking after green spaces and having access to open space connects people with nature and improves physical and mental health, encouraging walking and cycling has implications for both increasing fitness and addressing obesity, helping towards better air quality and cheaper forms of travel, than by car. Improving and protecting community facilities supports health by bringing people together and creates better community cohesion and sense of belonging; encouraging well designed residential development will help improve the quality, size, energy efficiency and amenity space of new development. Housing is a key determinant of physical and mental health and wellbeing, as well as improving life chances and access to jobs.

Summary of equality implications

16. An Equalities Impact Assessment (EqIA) screening of the neighbourhood plan was considered by an EqIA panel on 20 June 2024. The panel rated the screening document as **Green** – good to go/approved, which provides sufficient evidence that the public sector equality duty has been met.

17. The summary of the EqIA screening is as follows:

The Neighbourhood Plan has a strong vision for Sandbanks to be successful, vibrant, safe, and attractive. From the network of accessible green spaces and cycling routes to the design of new development, it seeks to improve the sustainability and social equality of the area. The policies have a number of beneficial impacts on people with protected characteristics. The Open spaces policy encourage access to open spaces which can help contribute to mental and physical health and wellbeing of people of all ages, disabilities, genders, faiths, ethnicities, sexual orientations where time can be spent outdoors with or without friends/family. The Public Realm policy provides for walking and cycling routes which are direct, overlooked, safe and accessible to all. Through careful design, women, pregnant women and those in maternity, older people, people of faith and different ethnic groups or transgender groups can use these routes with confidence. The routes will be able to be accessible to young families with buggies and less mobile residents with wheelchairs. The Community facilities policy recognises the need to retain and continue to meet needs for education and community uses. This will benefit children in of all ages and genders, reduce social inequality, in the plan area. The design

policy will encourage new development to reduce carbon emissions, provide flexible space, and encourage design features that would increase social interaction, reducing loneliness and isolation with older people. It may improve community cohesion amongst residents of young families and people living alone, thereby improving wellbeing and contributing to good outcomes for residents of Sandbanks.

Summary of risk assessment

18. The only outstanding risk associated with making the plan is a legal challenge which may be made on the basis that the neighbourhood plan as modified, does not meet basic conditions, or is incompatible with Convention rights. Officers have considered the Human Rights Convention and are satisfied that there is no breach. The risk is considered low as the neighbourhood plan has been through independent examination and the examiner considered all such matters and concluded that subject to modifications, the plan meets basic conditions and other legal tests and can proceed to referendum. Whilst the recommendations were not binding, BCP Council also considered the modifications and was of the view that there was no justification for reaching a different view. The neighbourhood plan was subject to referendum on 18 July 2024. The majority of voters were supportive of the plan and therefore the council is obliged to 'make' the plan part of the statutory development plan for Sandbanks Peninsula.

Background papers

[Past election and referendum results | BCP \(bcp-council.gov.uk\)](https://www.bcp-council.gov.uk/past-election-and-referendum-results)

Appendices

1. Declaration of Result of Poll – Referendum on the Neighbourhood Plan for Sandbanks Peninsula (to be provided following the referendum count on 19 July)
2. Ballot box verification statement (to be provided following the referendum count on 19 July)
3. [Sandbanks Peninsula Neighbourhood Plan to be 'made'](#)
4. Sandbanks Peninsula Neighbourhood Plan Appendices: [Sandbanks Referendum | BCP \(bcp-council.gov.uk\)](#)
5. Decision Statement to 'make' the neighbourhood plan.