

Boscombe and Pokesdown Neighbourhood Plan Forum

Chairperson's Report Sept 11th 2019

At the last AGM our Neighbourhood Plan had been submitted by the council to an independent examiner and we were waiting for the results of that. Very Little has happened with the Neighbourhood Plan group during this period apart from our statutory public meetings. The independent assessment was returned on the 16th July 2019. The report was very favourable and apart from a few minor recommended modifications was satisfied with our proposals and that our plan met all the required basic conditions. Following the release of the report a committee meeting of the forum took place and it was agreed to implement the recommended modifications and the necessary work was done. Today the council's cabinet has agreed to progress our plan to full referendum for the people of Boscombe's East and West wards to vote on. A date will be coming in the very near future.

Several other aspirations that were consulted on by the neighbourhood Plan Forum have progressed. The idea for a community Land Trust to build local affordable housing and run other community projects has progressed to the

establishment of the Boscombe and Pokesdown Community Benefit Society that has secured some potential funding to build affordable housing once a suitable site is found, the group is also considering other projects for the future that could help the local community and its community infrastructure. There is considerable scope for our two organisations to work closely on projects in the future.

The Idea of a new conservation zone running from the Crescent to Pokesdown station on Christchurch Road has been assessed by conservation officers and it has been there is a good case for this to happen. It is important now for the council to progress this. It will open some valuable funding avenues if this were to be established as well as protecting our lovely historical high street buildings. It is also possible that it will help us to secure some funding to encourage building owners and businesses to convert their shopfronts to traditional ones as stipulated in the neighbourhood plan.

The reinstatement of the garden walls in Churchill gardens is also progressing well and the funding is secured. Churchill gardens is already a conservation zone.

Going forward if the referendum is successful the neighbourhood plan forum will need to keep running and funding is imperative to do this and also to enable some of the projects and aspirations of the plan to become reality. The government has accounted for this by allowing

neighbourhood Plan Forums to be eligible for 25% of CIL funding once they are approved through referendum (15% before) but in reality this seems to be a grey area. We are awaiting further legislation regarding this but it will be important for the group to lobby the council, perhaps alongside other forums in the conurbation, so as to prevent the forums becoming toothless and unable to function due to lack of resources. We were lucky to receive funding from a number of sources including Bournemouth 2026 to develop our plan and even then it was an exercise in extreme thriftiness. Some of the new developing forums may be even more hard pressed financially in developing their own plans and the CIL money could really help this very worthwhile community endeavour. Thank you to everyone who has been involved with the Neighbourhood plan process and especially to our hardworking committee volunteers and also the invaluable help and advice that went above and beyond the remit from Martha Covell and ECA CIC

Background

1. The Localism Act 2011 introduced new powers for community groups to prepare

Neighbourhood Plans for their local areas. A Neighbourhood Plan is a plan which sets out policies in relation to the development and use of land in the whole, or part of, a Neighbourhood Area. The policies or proposals will carry weight in the determination of planning applications.

2. An application to designate the Boscombe & Pokesdown Neighbourhood Forum

and Neighbourhood Area was approved by the Council on 12 May 2016. The

approved Boscombe & Pokesdown Neighbourhood Area follows the boundaries

of the combined wards of Boscombe East and Boscombe West. The boundary is

shown on a map in Appendix 1.

3. Boscombe & Pokesdown Neighbourhood Forum published a Draft

Neighbourhood Plan for consultation and invited comments from 20th January –

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rd March 2018.

4. Boscombe & Pokesdown Neighbourhood Forum submitted their Neighbourhood

Plan to Bournemouth Borough Council on 20th July 2018.

The Council published

the Submission Version of the Neighbourhood Plan and associated documents

for consultation on 20th September 2018 for a 6-week consultation period expiring

on 2nd November 2018.

5. The Council appointed an independent Examiner – Deborah McCann BSc

MRICS MRTPI Dip Arch Con Dip LD – in September 2018 to carry out the

examination of the submission plan.

6. In November 2018, after the consultation period had expired, the Council

submitted the Submission Plan, all associated documents and all representations

received to the Examiner. An objection from Natural England resulted in the

Council being required to commission a Habitats Regulations Assessment (HRA),

to assess the potential impacts of the site allocations in the plan on protected

habitats. The examination was suspended whilst this work was being undertaken.

The HRA, attached as Appendix 5, concluded that a Suitable Alternative Natural

Greenspace (SANG) at Hicks Farm or an alternative site needs to be provided.

The HRA was forwarded to the Examiner on 15 May 2019 as a further

submission document for consideration. The examination was then conducted by

written representations.

7. The Examiner's Report was received on 16 July 2019, and concluded that the

Boscombe & Pokesdown Neighbourhood Plan and the policies within it, subject

to the recommended modifications, meets the Basic Conditions and can proceed

to Referendum. The Examiner also concluded that the Referendum Area should

be the same of the Neighbourhood Plan Area, should it go to Referendum.

8. Following the receipt of the Examiner's Report, the LPA is required to consider

each of the recommendations made in the Examiner's report and decide what

action to take. Under Regulation 17A of the 2012 Regulations, the timescale in

which the LPA is required to decide what action to take is 5 weeks from the date

of receipt of the Examiner's Report, or an alternative date agreed with the

Neighbourhood Forum. As it was not possible to take a report to an earlier

Cabinet meeting, the Neighbourhood Forum have agreed that the report should

be taken to Cabinet on 11 September 2019.

9. If the LPA is satisfied that the Neighbourhood Plan meets the Basic Conditions,

is compatible with the Convention Rights, complies with the definition of a NP and

the provisions that can be made by an NP or can do so if modified, then a

referendum must be held.

10. Under Regulation 18, as soon as possible after making a decision on what action to take, the LPA must publish a “Decision Statement”, details of where it can be inspected and the Examiner’s report on their website and in such other manner as they consider it likely to bring the Decision Statement to the attention of people who live, work or carry on business in the neighbourhood area.

Examiner’s Report

11. The Examiner’s Report is attached as Appendix 2. It concludes that the Neighbourhood Plan meets the Basic Conditions required by legislation, and that subject to the modifications proposed in the report, the Neighbourhood Plan should proceed to a referendum to be held within the Neighbourhood Area.

12. The Examiner has to determine whether the Boscombe & Pokesdown

Neighbourhood Plan meets Basic Conditions, which are as follows:

■Has regard to national policies and advice;

■Contributes to sustainable development;

■Is in general conformity with the strategic policies in the appropriate

Development Plan;

■Does not breach the requirements of Chapter 8 of Part 6 of the

Conservation of Habitats and Species Regulations 2017 (an additional

basic condition added on 28 December 2018).

The Plan must also not breach, and otherwise be compatible with EU obligations

and Human Rights requirements.

13. Table 1 of Appendix 3 sets out the proposed modifications to policies

recommended by the Examiner. These include where:

■Some policies have sought to introduce controls outside of the planning

system or where existing policy already sets out the scope of control.

It has been necessary to replace “permitted” with “supported” as the

power to determine planning applications lies with the Local Planning

Authority.

Additional text recommended by the Habitats Regulations Assessment

to ensure that no adverse effects on European sites’ integrity (Dorset

Heathlands) can be concluded.

14. Officers have considered all of the recommendations and the Examiner’s reasons

for them and have set out the Council’s response as part of the Decision

Statement attached as Appendix 3. It is recommended that all of the Examiner’s

recommended modifications be made as set out in Table 1 of Appendix 3.

15. Subject to Cabinet’s agreement of the Decision Statement, the Neighbourhood

Plan will be amended accordingly and can proceed to referendum.

Referendum

16. The Examiner's Report confirms that the referendum area should be the same as

the Neighbourhood Area designated by the Council, which is the combined area

of Boscombe East and Boscombe West wards. The Neighbourhood Planning

(Referendum) Regulations 2012 as amended require the LPA to hold the

referendum within 56 days of the date that a decision to hold one has been

made. This decision will be made on 17 September 2019 and assuming that

Cabinet approve the recommendations in this report, the referendum will have to

be held on or before 28 November 2019. The proposed date for the referendum

is 31 October 2019, which is within the 56-day period.

17. If a Neighbourhood Plan is submitted to a referendum, 28 working days' notice

must be given of the referendum procedure and Neighbourhood Plan details. If a

neighbourhood plan proceeds to referendum and is supported by a majority of those voting, the Council must 'make' (i.e.adopt) the Plan and it becomes part of the development plan for the area, alongside the Council's own adopted development plans.

Decisions on Planning Applications

18.As the Plan is now at an advanced stage, its policies where relevant have legal

weight in decision making with regard to any planning applications to be

determined within the Boscombe & Pokesdown Neighbourhood Area. This is

reflected in the Neighbourhood Planning Act 2017 which recognises that, when

determining an application, a LPA must have regard to "a post examination draft

neighbourhood plan as far as material to the application". If a LPA make a

decision to allow a draft neighbourhood plan with modifications to proceed to

referendum, then the modifications recommended must also be taken into

account. National Planning Policy Guidance (NPPG) May 2019 advises that

“Where the local planning authority publishes notice of a referendum, the

emerging neighbourhood plan should be given more weight, while also taking

account of the extent of unresolved objections to the plan and its degree of

consistency with NPPF.”

Summary of financial implications

19. The production and costs associated with developing the Neighbourhood Plan

have been met by Boscombe & Pokesdown Neighbourhood Forum. The costs of

the examination and referendum stages are met by the Council. Financial support

from the Ministry of Housing, Communities & Local Government (MHCLG) is

available for LPAs. LPAs can claim £20,000 once they have a date for a

referendum following a successful examination. The grant is not expected to

cover the full cost of both the examination and the referendum. Any shortfall will

need to be accommodated within existing budgets or the LDP earmarked

reserves.

20. Once a Neighbourhood Plan is made (adopted), CIL Neighbourhood Portion rises

from 15% to 25%. This will be retained by the Council and spent in consultation

with the local community on infrastructure to support the development of the

Neighbourhood Plan area.

Summary of legal implications

21. The Neighbourhood Planning (General) Regulations 2012 (as amended) set out

the statutory requirements that the Council must meet.

Regulation 17A requires

the Council to decide what action should be taken in response to the

recommendations made by the Independent Examiner.

Regulation 18 requires

the Council to publish a “Decision Statement” as soon as possible after making

the decision. The procedures for Referendums are set out in the Neighbourhood

Planning (Referendums) (Amendment) Regulations 2016.

Once adopted, the

Neighbourhood Plan will form part of the development plan for BCP Council.

Summary of human resources implications

22. Work involved with progressing the various stages of the Neighbourhood Plan is

carried out within existing Planning Policy team staffing. Regulations require local

planning authorities to provide advice or assistance to neighbourhood forums that

are producing neighbourhood plans. Managing a referendum will also need the

resources of Electoral Services staff.

Summary of environmental impact

23. One of the Basic Conditions is to contribute to the achievement of sustainable

development. The Examiner concluded that she was satisfied that the

Neighbourhood Plan, subject to the recommended modifications, addresses the sustainability issues adequately.

Summary of public health implications

24. The Neighbourhood Plan's vision, aims and policies cover a range of issues

which are relevant to public health. These are drawn out in the Basic Conditions

Statement of the Plan. The vision is for a place which is well-connected,

prosperous, healthy and safe. There are policies which address issues of impact

of density on living conditions, improving the quality of new housing, promote

family housing, enhancing open spaces, and providing safe routes, pedestrian

routes and cycle connections.

Summary of equality implications

25. The Examiner has concluded that the Neighbourhood Plan meets the Basic

Conditions (subject to recommended modifications). One of the conditions is that

the plan must be compatible with the Human Rights requirements and other EU

obligations. The Examiner is also satisfied that the consultation process

undertaken by the Neighbourhood Forum was adequate, well conducted and

recorded.

Summary of risk assessment

26. The recommendations in an Examination Report are not binding, but if the

Council does not accept the recommendations without a compelling reason, there

is a risk of legal challenge. Should members not agree to accept any of the

modifications, there will be a delay in adopting the Plan, as a further consultation

period will be required. Once adopted, Neighbourhood Plans can reduce risk in

the development management process by providing support for the Council in

determining planning applications and defending planning appeals.

Background papers

***The Boscombe & Pokesdown Neighbourhood Plan
Submission Plan July 2018 and***

***supporting documents, submitted for Examination can be
viewed at:-***

<https://www.bournemouth.gov.uk/planningbuilding/PlanningPolicy/Other-Planning->

[Documents/boscombe-and-pokesdown-neighbourhood-plan.aspx](https://www.bournemouth.gov.uk/planningbuilding/PlanningPolicy/Other-Planning-Documents/boscombe-and-pokesdown-neighbourhood-plan.aspx)

***The representations received in response to consultation on
the Boscombe &***

***Pokesdown Neighbourhood Plan submission version can be
viewed at***

<https://www.bournemouth.gov.uk/planningbuilding/PlanningPolicy/Other-Planning->

[Documents/boscombe-pokesdown-neighbourhood-plan-regulation-16-consultation-](https://www.bournemouth.gov.uk/planningbuilding/PlanningPolicy/Other-Planning-Documents/boscombe-pokesdown-neighbourhood-plan-regulation-16-consultation-)

representations-received.aspx