



Report to Council

Report of: Executive Director, Place

Date: 6th October 2021

Subject: The Making of Dore Neighbourhood Plan

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Summary:

To report to the Council the result of the Dore Neighbourhood Plan Referendum and to outline the steps to be taken in consequence of its outcome.

Recommendations:

That the Council:

- (a) notes the outcome of the Dore Neighbourhood Plan Referendum; and
- (b) resolves to 'make' the Dore Neighbourhood Plan such that it is adopted as a planning document as part of Sheffield's Statutory Development Plan

Background Papers: Dore Neighbourhood Plan
Dore Neighbourhood Plan Draft Adoption Statement

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial & Commercial implications
YES
Legal implications
YES -
Equality of Opportunity implications
YES
Tackling Health Inequalities implications
N/A
Human rights implications
N/A
Environmental and Sustainability implications
N/A
Economic impact
N/A
Community safety implications
N/A
Human resources implications
N/A
Property implications
N/A
Area(s) affected
None
Relevant Scrutiny Committee if decision called in
N/A
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
NO

DORE NEIGHBOURHOOD PLAN **REFERENDUM AUGUST 2021**

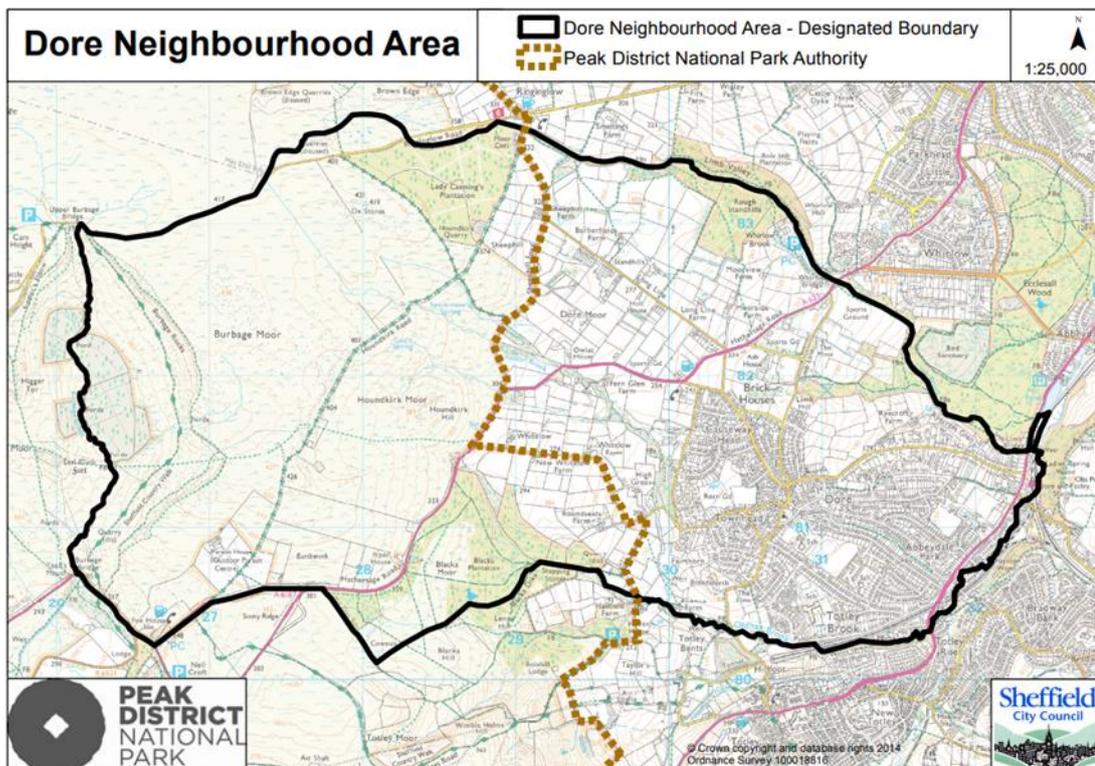
1. INTRODUCTION

- 1.1 The purpose of this report is to inform the Council of the result of the Dore Neighbourhood Plan Referendum and to outline the steps to be taken in consequence of its outcome. The report sets out the adoption stage of the process.
- 1.2 Neighbourhood planning was introduced by the Localism Act 2011. The Act introduced rights to enable communities to become directly involved in influencing planning and development in their areas by way of a neighbourhood plan. Neighbourhood plans are statutory planning documents which establish general planning policies for the development and use of land in a neighbourhood area.
- 1.3 Once prepared, a plan is subject to public consultation and independent examination. Ultimately, a plan is subject to a local referendum. Where a neighbourhood plan has a successful referendum (where more than half of those voting have voted in favour of the plan), and the Local Planning Authority is satisfied that all necessary statutory obligations have been met, there is a statutory requirement to 'make' the Plan and adopt it as part of the Statutory Development Plan.
- 1.4 Once 'made' (adopted), the Dore Neighbourhood Plan will be Sheffield's second adopted neighbourhood plan.
- 1.5 In 2017 Cabinet approved revised decision-making arrangements for neighbourhood planning (originally approved 18th December 2013) to allow the Council to meet new statutory timescales for decision making. This delegation was: that all decisions involving any aspect of the executive statutory function relating to neighbourhood planning be delegated to the Head of Planning, in consultation with the Director of Creative Sheffield. Such delegated authority to be exercised in consultation with the relevant Cabinet Member responsible for Planning. There are two caveats to this delegation however neither are relevant for this report.
- 1.6 In accordance with this delegation the Head of Planning has consulted the Executive Director for Place as the post for the Director of City Growth is currently empty (this post was previously known as the Director of Creative Sheffield) and this delegation is exercised in consultation with the relevant Cabinet Member.

2. THE REFERENDUM

- 2.1 On 12th August 2021, the Dore Neighbourhood Plan was subject to a referendum within the designated Dore Neighbourhood Area.

2.2 The boundary of the Dore Neighbourhood Area is identified on the Plan below and was formally designated by the City Council in October 2014. The area lies in the south-west of Sheffield City and includes an area of the Peak District National Park. The Plan 2021-2035 sets out a vision for the area which covers landscape character, housing needs and aspirations, local open spaces, the Dore Village centre, areas and buildings of historic or architectural interest and archaeology as well as public transport, and traffic management. It aims to protect and enhance those landscape and built assets, support viability and vitality of retail business and community facilities and to improve transport provision and connectivity to achieve a sustainable community.



2.3 The Referendum was held following receipt of the Independent Examiner’s Report in January 2021 which found that, subject to a number of modifications, the Plan met the ‘Basic Conditions’ (the statutory tests which neighbourhood plans are expected to meet) and therefore could proceed to a local referendum.

2.4 The Referendum asked –

“Do you want Sheffield City Council and the Peak District National Authority to use the Neighbourhood Plan for Dore to help it decide planning applications in the Neighbourhood area?”

2.5 There were 2,093 votes cast in the referendum. The vote breakdown is as follows: 1986 votes in favour of the Dore Plan; 106 votes against; and 1 vote that was rejected for being unmarked or wholly void for uncertainty. Therefore, the outcome of the Dore Plan Referendum was positive.

- 2.6 There is a mandatory legal requirement by virtue of section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) that the Council must ‘make’ (adopt) a neighbourhood plan that has been approved at referendum, unless there are circumstances where adoption of the plan would breach, or otherwise be incompatible with, any EU or human rights obligations as provided by section 61E(8) of the Town and Country Planning Act 1990 (as amended).
- 2.7 Officers are satisfied that the Dore Neighbourhood Plan has met all of the statutory obligations and that the making (adoption) of the Dore Neighbourhood Plan would not breach, nor would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

3. IMPLEMENTING THE OUTCOME

- 3.1 Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires Local Authorities to ‘make’ (adopt) a Neighbourhood Plan within 8 weeks of the day immediately following the referendum.
- 3.2 In accordance with paragraph 3.3.3 of the Constitution, the function of making the Dore Plan cannot be exercised solely by the Executive. As a result, the Dore Plan has been submitted by the Executive in accordance with the aforementioned Cabinet delegation to Full Council for adoption.
- 3.3 Following the ‘making’ of the Plan, the Council must comply with publicity requirements as set out in Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended). A draft of the ‘Adoption Statement’ is set out as a background paper to this report.
- 3.4 As this Neighbourhood Plan includes part of the Peak District National Park all procedural stages has involved cross working with PDNP and they will also be “making” the Plan in accordance with their governance procedures. The PDNP recently adopted the Dore Neighbourhood Plan at its Planning Committee on 10th September 2021.

4. LEGAL IMPLICATIONS

- 4.1 The legal implications are set out in the body of the report. The ‘making’ of the Dore Neighbourhood Plan within the 8 week timescale in response to the positive referendum is a mandatory statutory requirement.
- 4.2 Once ‘made’ a neighbourhood plan forms part of the Statutory Development Plan used in determining planning applications. This means that within the Dore Neighbourhood Area, decisions on planning applications will be made using both the local plan and the Dore Neighbourhood Plan, and any other material considerations.

5. FINANCIAL AND COMMERCIAL IMPLICATIONS

- 5.1 Upon adoption of the plan there are no known cost implications for the Council.
- 5.2 The Community Infrastructure Levy Regulations 2010 (as amended) place a duty on charging authorities to allocate at least 15% (up to a cap of £100 per existing council tax dwelling) of CIL receipts to spend on priorities that should be agreed with the local community in areas where development is taking place. This is known as the neighbourhood portion. In accordance with regulation 59A (3) of the CIL regulations this increases to 25% where there is a neighbourhood development plan in place. This funding is pooled and allocated across all non-parished wards in the city according to the Index of Multiple Deprivation IMD.

6. EQUALITY OF OPPORTUNITY IMPLICATIONS

- 6.1 There are no equalities implications.

7. RECOMMENDATIONS

- 7.1 That the Council:
- (a) notes the outcome of the Dore Neighbourhood Plan Referendum; and
 - (b) resolves to 'make' the Dore Neighbourhood Plan such that it is adopted as a planning document as part of Sheffield's Statutory Development Plan

Michael Johnson
Head of Planning