

Date of Meeting: 10 December 2019

Portfolio Holder: Cllr D Walsh, Planning

Local Member(s): Cllr D Walsh, Cllr V Pothecary, Cllr B Ridout

Executive Director: John Sellgren, Executive Director of Place

Executive Summary:

The Motcombe Neighbourhood Plan has successfully passed independent examination and a referendum. Following a successful referendum, the local planning authority has 8 weeks in which to 'make' the plan. The purpose of this report is to make the Motcombe Neighbourhood Plan part of the development plan for use in planning decisions in the Motcombe neighbourhood area.

Equalities Impact Assessment:

Part of the independent examiner's role was to consider whether the neighbourhood plan would breach, or otherwise be incompatible with any of the Convention rights within the meaning of the Human Rights Act 1998. No issues were raised by him in this regard.

Budget:

When the referendum date was set for the neighbourhood plan the Council became eligible for a grant of £20,000. This grant is intended to cover the costs associated with the Council's input into the production of the neighbourhood plan including the costs associated with the examination and the referendum.

Risk Assessment:

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW

Residual Risk LOW

A legal challenge could theoretically be made against the Council's decision to make the plan. Such a challenge could be made on the basis that the neighbourhood plan, as modified, does not meet the basic conditions, is not compatible with the Convention rights or because it does not comply with the

definition of a neighbourhood development plan. However, the independent examiner has considered these matters, in light of all the responses received in respect of the consultation on the submission version of the plan, and is satisfied that the plan does meet the necessary requirements in these regards. Given the evidence before them, officers consider that there is no basis for reaching a different view to the examiner.

Climate Implications:

The plan seeks to protect and enhance the environment within the Parish of Motcombe. The plan allocates land for 21 additional houses (including 8 affordable homes). These may result in increased carbon emissions through construction and occupation. However, the level of growth seems reasonable given Motcombe's role as a larger village with a range of facilities within walking distance (e.g. school, village hall, shop). Although Motcombe is not considered as sustainable as some larger settlements (such as Gillingham or Shaftesbury), it is preferable to many smaller settlements and isolated locations in the open countryside. A limited amount of growth may help support local services and maintain their viability.

Other Implications:

Once made, this will confirm that the neighbourhood plan is part of the development plan for the Parish of Motcombe alongside other plans including the North Dorset Local Plan Part 1. Planning applications, which will be considered by Dorset Council, will be made in accordance with the development plan unless material considerations indicate otherwise.

Recommendation:

The following recommendations are made:

- a) That the Council makes the Motcombe Neighbourhood Plan 2017 - 2027 (as set out in Appendix A) part of the statutory development plan for the Motcombe neighbourhood area.
- b) That the Council agrees to make a small number of minor (non-material) modifications to the neighbourhood plan in order to rename references to Site 4 from "land at Shire Meadows" to "land at Bittles Green" throughout the document. (These modifications are set out in Appendix B.)
- c) That the Council offers its congratulations to Motcombe Parish Council and members of the Neighbourhood Plan Group in producing a successful neighbourhood plan.

Reason for Recommendation:

(1) To make the Motcombe Neighbourhood Plan part of the statutory development plan for the Motcombe Neighbourhood Area within the 8 week time limit set by legislation. (2) The Parish Council (the qualifying body) have requested that Site 4

should be renamed. (3) To recognise the significant amount of work undertaken by the Parish Council and members of the Neighbourhood Plan Group in preparing the neighbourhood plan and to congratulate both the Parish Council and the Group on their success.

Appendices:

Appendix A: Referendum version of the Motcombe Neighbourhood Plan 2017 - 2027

Appendix B: Minor (non-material) modifications to be made to the Motcombe Neighbourhood Plan 2017 - 2027

Background Papers:

Documents relating to the Motcombe Neighbourhood Plan are available at <http://www.dorsetcouncil.gov.uk/motcombe-neighbourhood-plan>

Officer Contact

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1. Background and Reason Decision Needed

- 1.1. The neighbourhood plan area for Motcombe was formally designated by North Dorset District Council (NDDC) on 22 February 2016. Following significant amounts of consultation and research Motcombe Parish Council (the Qualifying Body) submitted the Motcombe Neighbourhood Plan 2017 to 2027, and associated documents, to the District Council in March 2019.
- 1.2. The plan and associated documents were subject to formal consultation from 12 April 2019 to 24 May 2019. Dorset Council subsequently made arrangements for an independent examination of the plan as required by The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.3. The examination was conducted by Mr David Kaiserman BA DipTP MRTPI and his report on the plan was published on 23 July 2019. The Examiner's Report concluded that subject to a number of modifications the plan should proceed to referendum.
- 1.4. The Council held a referendum on 7 November 2019 with the area covered by the referendum being the Parish of Motcombe. This is the same area to which

the neighbourhood plan applies. In the referendum 292 people (79.8%) voted in favour of the plan with 74 people (20.2%) voting against the plan. The turnout was 35.3%. The referendum version of the plan is attached in Appendix A of this report.

- 1.5. Under section 38(3A) of the Planning and Compulsory Purchase Act 2004, a neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum.
- 1.6. Following a positive outcome at referendum, the Council has 8 weeks in which to formally make the plan part of the development plan. The only circumstances where the Council is not required to do so is if it considers that the plan could breach, or be incompatible with any EU or human rights obligations. Officers are not aware of any issues that have come to light that would require the Council to come to an alternative view to that reached by the independent examiner in respect of the legislative requirements, including in terms of the basic conditions, which apply to neighbourhood plans.
- 1.7. The Parish Council have requested that references to Site 4 are amended from “land at Shire Meadows” to “land at Bittles Green”. These changes are set out fully in Appendix B. They are considered to be minor, non-material modifications. Dorset Council is permitted to modify a neighbourhood plan for the purpose of correcting errors, with the consent of the qualifying body, without requiring a further examination or referendum under Section 61M(4) of the Town and Country Planning Act 1990.