

Cabinet

5 May 2020

Making of the Sutton Poyntz Neighbourhood Plan 2016 to 2031

For Decision

Portfolio Holder: Cllr D Walsh, Planning

Local Councillor(s): Cllr Tony Ferrari & Cllr Louie O'Leary Williams

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Report Status: Public

Recommendation:

The following recommendations are made:

- a) That the council make the Sutton Poyntz Neighbourhood Plan (as set out in **Appendix A**) part of the statutory development plan for the Sutton Poyntz Neighbourhood Area;
- b) That the council offers its congratulations to Weymouth Town Council and the Sutton Poyntz Society in producing their neighbourhood plan.

Reason for Recommendation:

To formally adopt the Sutton Poyntz Neighbourhood Plan as part of the statutory development plan for the Sutton Poyntz Neighbourhood Area. In addition, to recognise the significant amount of work undertaken by the Sutton Poyntz Society in preparing the neighbourhood plan, congratulating them on their success.

1. Executive Summary

The Sutton Poyntz Neighbourhood Plan has recently been subject to independent examination and a successful referendum. The purpose of this report is to make the Sutton Poyntz Neighbourhood Plan part of the development plan for use in planning decisions in the Sutton Poyntz Neighbourhood Area.

2. Financial Implications

When neighbourhood plans are successful at examination and a referendum date has been set, the council becomes 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 a neighbourhood plan including the costs associated with the examination, referendum and the printing of the final plan.

3. Climate implications

The Plan has been prepared in accordance with national planning policy which seeks to deliver sustainable development through planning decisions including adaptation to and mitigation of climate change. This neighbourhood plan will be used in planning decision in the neighbourhood area.

4. Other Implications

Planning decisions are to be made in accordance with the adopted development plan, unless other material considerations indicate otherwise. The neighbourhood plan forms part of the development plan for Sutton Poyntz alongside the adopted West Dorset, Weymouth & Portland Joint Local Plan. However policies contained in the Sutton Poyntz Neighbourhood Plan will take precedence over the non-strategic policies in the adopted local plan when decisions are being made on development proposals within the Sutton Poyntz Neighbourhood Plan Area.

5. 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 in relation to the way consultation was conducted, the way the referendum was held or if council were to decline to make the plan (unless it was considered that making the plan would breach or otherwise be incompatible with any EU obligation or any human rights obligations).

6. Equalities Impact Assessment

Part of the role of the independent examiner is to consider whether the neighbourhood plan would breach, or otherwise be incompatible with the European Convention on Human Rights. The examiner was satisfied that the neighbourhood plan meets this requirement.

7. Appendices

Appendix A: Referendum version of the [Sutton Poyntz Neighbourhood Plan](#) is available on the councils website.

Appendix B: draft adoption decision statement.

8. Background Papers

Documents relating to the Sutton Poyntz Neighbourhood Plan are available at <https://www.dorsetcouncil.gov.uk/sutton-poyntz-neighbourhood-plan>

9. Background and Reason Decision Needed

9.1 In May 2016, the Sutton Poyntz Society applied for designation as a neighbourhood forum and a neighbourhood plan area. Following public consultation and consideration of the representations made, formal approval was given in September 2016 by Weymouth & Portland Borough Council to the Neighbourhood Plan Area and to the Society as the qualifying body to prepare the Neighbourhood Plan.

9.2 Weymouth has been the subject of recent extensive local government re-organisation, with the creation of Dorset Council, as a unitary authority, and Weymouth Town Council, whose area includes Sutton Poyntz. Thus, the legal position is that, as of 1 April 2019, the designation of the Sutton Poyntz Society as a qualifying body ceased to have effect and responsibility for the Neighbourhood Plan passed to the newly formed Weymouth Town Council.

- 9.3 In May 2019 Weymouth Town Council submitted the draft Sutton Poyntz neighbourhood plan and supporting material to Dorset Council. Dorset Council were satisfied that the documents submitted met the requirements of Regulation 15 of the 'Regulations'. Weymouth Town Council and the Sutton Poyntz Society were notified of the Councils conclusion and informed that the plan could proceed to examination. The submitted documents were made available for consultation from 31 May 2019 until 12 July 2019.
- 9.4 The council subsequently made arrangements for an independent examination of the plan in line with The Neighbourhood Planning (General) Regulations 2012. The examiner's final report was received in October 2019 suggesting that, subject to modifications to enable the plan to meet the basic conditions and other legal requirements, it should proceed to referendum.
- 9.5 Dorset Council considered each of the recommendations and modifications contained in the examiner's report and agreed the amendments in an Executive Decision Statement 27 November 2019. Dorset Council issued its decision which was in agreement with the examiner's findings, and that the plan as modified should proceed to referendum. The relevant referendum material was prepared and publicised including:
- a summary of representations submitted to the examiner;
 - the examiner's report;
 - The Sutton Poyntz Neighbourhood Plan as proposed (see **Appendix A**);
 - the decision statement, which includes a statement by the local planning authority that the plan as proposed meets the basic conditions; and
 - the information statement, which contains general information as to town and country planning including neighbourhood planning and the referendum.

Referendum

- 9.6 The referendum was held on the 13 February 2020 with the area covered by the referendum being the Sutton Poyntz Neighbourhood Plan Area. This is the same area to which the neighbourhood plan applies. From an electorate of 399 there was a turnout of 189 (47.4%). The results of the

referendum were that 153 people (82%) voted in favour of the plan with 34 people (18%) voting against.

- 9.7 Where a referendum results in more than half those voting, voting in favour of the proposal, the council must make (i.e. adopt) the plan as soon as reasonably practical unless it considers that this would breach, or be incompatible with any EU obligation or any of the Convention Rights.
- 9.8 The Sutton Poyntz Neighbourhood Plan, as proposed to be made, is attached as **Appendix A**. More than 50% of those voting in the referendum voted in favour of the plan. 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 on the plan's acceptability and compliance with legal obligations.
- 9.9 The council must publish its decision and reasons on its website and send copies to Weymouth Town Council and anybody who asked to be notified. A draft of the adoption decision statement is attached at **Appendix B**.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.