

Cabinet

22 June 2021

Arne, Blandford +, Chickerell, Milton Abbas, Portland, Puddletown and Shaftesbury Neighbourhood Plans

For Decision

Portfolio Holder: Cllr D Walsh, Planning

Local Councillor(s): Cllr Beryl Ezzard, Cllr Ryan Hollloway, Cllr N Lacey-Clarke, Cllr B Quayle, Cllr A Kerby and Cllr S Jespersen, Cllr J Dunseith, Cllr J Worth, Cllr E Parker, Cllr R. Hughes, Cllr P. Kimber, Cllr S. Cocking, Cllr D Beer and Cllr T Cook.

Executive Director: J Sellgren, Executive Director of Place

Report Author: Ed Gerry
Title: Community Planning Manager
Tel: 01258 484211
Email: ed.gerry@dorsetcouncil.gov.uk

Report Status: Public

Recommendations: The following recommendations are made:

- a) That the Council makes the Arne Parish Neighbourhood Plan 2018 - 2034 (as set out in Appendix A) part of the statutory development plan for the Arne Neighbourhood Area.
- b) That the Council makes the Blandford + Neighbourhood Plan 2011 - 2033 (as set out in Appendix B) part of the statutory development plan for the Blandford + Neighbourhood Area.
- c) That the Council agrees to make a small number of minor modifications to the made Blandford + Neighbourhood Plan 2011 - 2033 in order to correct errors relating to the Green Infrastructure Policies Map and the Local Green Space Inset Maps in connection

with Badbury Heights Open Spaces and The Trailway. The updated maps are set out in Appendix C.

- d) That the Council makes the Chickerell Town Neighbourhood Plan 2019 - 2036 (as set out in Appendix D) part of the statutory development plan for the Chickerell Neighbourhood Area.
- e) That the Council agrees to make a minor modification to the made Chickerell Town Neighbourhood Plan 2019 - 2036 in order to correct an error relating to the labels on Map 3 (Page 10). The updated map is set out in Appendix E.
- f) That the Council makes the Milton Abbas Neighbourhood Development Plan 2019 - 2031 (as set out in Appendix F) part of the statutory development plan for the Milton Abbas Neighbourhood Area.
- g) That the Council makes the Portland Neighbourhood Plan 2017 - 2031 (as set out in Appendix G) part of the statutory development plan for the Portland Neighbourhood Area.
- h) That the Council makes the Puddletown Neighbourhood Plan 2019 - 2031 (as set out in Appendix H) part of the statutory development plan for the Puddletown Neighbourhood Area.
- i) That the Council makes the Shaftesbury Neighbourhood Plan 2019 - 2031 (as set out in Appendix I) part of the statutory development plan for the Shaftesbury Neighbourhood Area.
- j) That the Council offers its congratulations to the Town and Parish Councils involved and members of each of the Neighbourhood Plan Groups in producing successful neighbourhood plans.

Reason for Recommendations: To formally make the neighbourhood plans part of the statutory development plan for the areas that they cover. Furthermore, to correct errors relating to the maps in the Blandford + and Chickerell Neighbourhood Plans. In addition, to recognise the significant amount of work undertaken by the Town and Parish Councils involved and members of each of the Neighbourhood Plan Groups in preparing the plans and to congratulate the Councils and Groups on their success.

1. Executive Summary

- 1.1 Each of the neighbourhood plans have been subject to independent examination and a referendum. The purpose of this report is to formally

make the plans part of the development plan for use in planning decisions in the areas that they cover.

2. Financial Implications

- 2.1 When decisions were formally made to progress the neighbourhood plans to referendum, Dorset Council became eligible for a grant of £20,000 in respect of each plan. This grant is intended to cover the costs associated with the Council's input into the production of each neighbourhood plan including the costs associated with each examination and referendum.

3. Well-being and Health Implications

- 3.1 The plans have been prepared in accordance with national planning policy and guidance which seeks to deliver healthy, inclusive and safe places.

4. Climate Implications

- 4.1 The plans have been prepared in accordance with national planning policy and guidance which seeks to deliver sustainable development through planning decisions including adaptation to and mitigation of climate change.

5. Other Implications

- 5.1 The neighbourhood plans will form part of the development plan for the areas that they cover alongside other current adopted plans such as the relevant local plan. Planning applications, which will be considered by Dorset Council, will be determined in accordance with the development plan unless material considerations indicate otherwise.

6. Risk Assessment

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

Current Risk: LOW (in respect of Arne, Chickerell, Milton Abbas, Portland, Puddletown and Shaftesbury Neighbourhood Plans) / MEDIUM (Blandford + Neighbourhood Plan)

Residual Risk: LOW (in respect of Arne, Chickerell, Milton Abbas, Portland, Puddletown and Shaftesbury Neighbourhood Plans) / MEDIUM (Blandford + Neighbourhood Plan)

- 6.1 A legal challenge could be made against a decision to make any of the plans. 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 examiners who examined the plans have considered these matters in light of all the consultation responses that have been made to each plan. The Council has also considered these matters and is of the view that there is no basis for reaching a different view to the examiners (save where the Council has proposed additional modifications).

- 6.2 Further to the above, in respect of the Blandford + Neighbourhood Plan, the Council has considered the matters of compliance with the basic conditions and compatibility with the Convention rights etc in respect of the responses received to consultation on the draft Decision Statement relating to the plan proceeding to referendum. Whilst the Council notes the concerns that have been raised, including those set out in the legal advice submitted by Pimperne Parish Council (the legal advice was sought in partnership with Dorset CPRE and the Cranborne Chase AONB Partnership), the Council considers that there is no basis for reaching a different view to the examiner (save where the Council has proposed additional modifications).

7. Equalities Impact Assessment

- 7.1 Part of the independent examiners' role was to consider whether the neighbourhood plans 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 any of the examiners in this regard.

8. Appendices

Appendix A: Arne Parish Neighbourhood Plan 2018 – 2034

Appendix B: Blandford + Neighbourhood Plan 2011 – 2033

Appendix C: Updated Maps for inclusion in the Blandford + Neighbourhood Plan 2011 – 2033

Appendix D: Chickerell Town Neighbourhood Plan 2019 – 2036

Appendix E: Updated Map for inclusion in the Chickerell Town Neighbourhood Plan 2019 - 2036

Appendix F: Milton Abbas Neighbourhood Development Plan 2019 - 2031

Appendix G: Portland Neighbourhood Plan 2017 - 2031

Appendix H: Puddletown Neighbourhood Plan 2019 - 2031

Appendix I: Shaftesbury Neighbourhood Plan 2019 - 2031

9. Background Papers

Documents relating to each of the neighbourhood plans can be accessed via each plan's dedicated webpage which are available at:

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/neighbourhood-plans-in-dorset.aspx>

10. Reason Decisions Needed

Arne Parish Neighbourhood Plan 2018 - 2034

- 10.1 The neighbourhood plan area for Arne was initially designated by Purbeck District Council on 29 October 2013, and designated again on 14 August 2019 by Dorset Council following local government reorganisation in Dorset. Following significant amounts of consultation and research Arne Parish Council (the Qualifying Body) submitted the Arne Parish Neighbourhood Plan 2018 - 2034, and associated documents, to Dorset Council in June 2019.
- 10.2 The plan, and associated documents, were subject to formal consultation from 23 August 2019 to 4 October 2019. Dorset Council subsequently made arrangements for an independent examination of the plan as required by The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 10.3 The examination was conducted by Jill Kingaby BSc(Econ) Msc MRTPI and her report on the plan was published on 26 March 2020. The Examiner's Report concluded that subject to a number of modifications the plan should proceed to referendum.
- 10.4 Cllr David Walsh (Portfolio Holder for Planning) considered the Examiner's Report, including her recommendations, and decided on 26 August 2020 that her recommended modifications should be incorporated within an amended version of the neighbourhood plan and that the amended plan should proceed to referendum. Furthermore, Cllr Walsh decided that a recommendation to make the Arne Parish Neighbourhood Plan 2018 - 2034 should be made to a Cabinet meeting after the referendum if the result of the referendum was in support of making the plan and there are no other issues identified that would go against such a decision.
- 10.5 The Council held a referendum on 6 May 2021 with the area covered by the referendum being the Civil Parish of Arne. This is the same area to which the neighbourhood plan applies. In the referendum 479 people (93%) voted in favour of the plan with 36 people (7%) voting against the plan. The turnout was 47.2%.
- 10.6 Where a referendum results in more than half those voting, voting in favour of the proposal, the Council must make the plan as soon as reasonably practical unless it considers that this would breach, or be incompatible with relevant environmental regulations or human rights requirements.

- 10.7 The Arne Parish Neighbourhood Plan 2018 - 2034, as proposed to be made, is attached at Appendix A. More than 50% of those voting in the referendum voted in favour of the plan.

Blandford + Neighbourhood Plan 2011 - 2033

- 10.8 The neighbourhood plan area for Blandford + was formally designated by North Dorset District Council (NDDC) on 17 February 2014. Following significant amounts of consultation and research Blandford Forum Town Council (the Qualifying Body) submitted the Blandford + Neighbourhood Plan 2011 - 2033, and associated documents, to North Dorset District Council in January 2019. This followed on from a previous version of the plan being worked up and subject to examination prior to it being withdrawn in May 2018.
- 10.9 The plan, and associated documents, were subject to formal consultation from 15 February 2019 to 29 March 2019. The District Council (prior to the formation of Dorset Council) subsequently made arrangements for an independent examination of the plan as required by The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 10.10 The examination was conducted by Terrance Kemmann-Lane JP DipTP FRTPI MCMI and his report on the plan was published on 28 January 2020. The Examiner's Report concluded that subject to a number of modifications the plan should proceed to referendum.
- 10.11 Following receipt of the Examiner's Report the Council consulted on a draft Decision Statement relating to whether the plan should proceed to referendum. The consultation was from 8 May 2020 to 26 June 2020. The Council fully considered the concerns raised in response to the consultation including the legal advice submitted by Pimperne Parish Council (the legal advice was sought in partnership with Dorset CPRE and the Cranborne Chase AONB Partnership). However, whilst the Council took account of the concerns raised, including those set out in the legal advice, it decided to accept the Examiner's recommendations.
- 10.12 Cllr David Walsh (Portfolio Holder for Planning) decided on the 11 March 2021 that the Examiner's recommended modifications, and other further modifications proposed by the Council, should be incorporated within an amended version of the neighbourhood plan and that the amended plan should proceed to referendum. Furthermore, Cllr Walsh decided that a recommendation to make the Blandford + Neighbourhood Plan 2011 - 2033 should be made to the next Cabinet meeting after the referendum if the result of the referendum was in support of making the plan and there are no other issues identified that would go against such a decision.

- 10.13 The Council held a referendum on 6 May 2021 with the area covered by the referendum being the Civil Parishes of Blandford Forum, Blandford St Mary and Bryanston. This is the same area to which the neighbourhood plan applies. In the referendum 2054 people (83.9%) voted in favour of the plan with 394 people (16.1%) voting against the plan. The turnout was 25.9%.
- 10.14 Where a referendum results in more than half those voting, voting in favour of the proposal, the Council must make the plan as soon as reasonably practical unless it considers that this would breach, or be incompatible with relevant environmental regulations or human rights requirements.
- 10.15 The Blandford + Neighbourhood Plan 2011 - 2033, as proposed to be made, is attached at Appendix B. More than 50% of those voting in the referendum voted in favour of the plan.

Chickerell Town Neighbourhood Plan 2019 - 2036

- 10.16 The neighbourhood plan area for Chickerell was formally designated by West Dorset District Council on 9 August 2016. Following significant amounts of consultation and research Chickerell Town Council (the Qualifying Body) submitted the Chickerell Town Neighbourhood Plan 2019 - 2036, and associated documents, to Dorset Council in May 2020.
- 10.17 The plan, and associated documents, were subject to formal consultation from 21 August 2020 to 16 October 2020. Dorset Council subsequently made arrangements for an independent examination of the plan as required by The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 10.18 The examination was conducted by David Hogger BA MSc MRTPI MCIHT and his report on the plan was published on 6 January 2021. The Examiner's Report concluded that subject to a number of modifications the plan should proceed to referendum.
- 10.19 Cllr David Walsh (Portfolio Holder for Planning) considered the Examiner's Report, including his recommendations, and decided on 29 January 2021 that his recommended modifications should be incorporated within an amended version of the neighbourhood plan and that the amended plan should proceed to referendum. Furthermore, Cllr Walsh decided that a recommendation to make the Chickerell Town Neighbourhood Plan 2019 - 2036 should be made to a Cabinet meeting after the referendum if the result of the referendum was in support of making the plan and there are no other issues identified that would go against such a decision.

- 10.20 The Council held a referendum on 6 May 2021 with the area covered by the referendum being the Civil Parish of Chickerell. This is the same area to which the neighbourhood plan applies. In the referendum 1006 people (84.5%) voted in favour of the plan with 184 people (15.5%) voting against the plan. The turnout was 24.7%.
- 10.21 Where a referendum results in more than half those voting, voting in favour of the proposal, the Council must make the plan as soon as reasonably practical unless it considers that this would breach, or be incompatible with relevant environmental regulations or human rights requirements.
- 10.22 The Chickerell Town Neighbourhood Plan 2019 - 2036, as proposed to be made, is attached at Appendix D. More than 50% of those voting in the referendum voted in favour of the plan.

Milton Abbas Neighbourhood Development Plan 2019 - 2031

- 10.23 The neighbourhood plan area for Milton Abbas was formally designated by North Dorset District Council in September 2015. Following significant amounts of consultation and research Milton Abbas Parish Council (the Qualifying Body) submitted the Milton Abbas Neighbourhood Development Plan 2019 - 2031, and associated documents, to Dorset Council in December 2019.
- 10.24 The plan, and associated documents, were subject to formal consultation from 31 January 2020 to 13 March 2020. Dorset Council subsequently made arrangements for an independent examination of the plan as required by The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 10.25 The examination was conducted by David Kaiserman BA DipTP MRTPI and his report on the plan was published on 14 July 2020. The Examiner's Report concluded that subject to a number of modifications the plan should proceed to referendum.
- 10.26 Cllr David Walsh (Portfolio Holder for Planning) considered the Examiner's Report, including his recommendations, and decided on 1 September 2020 that his recommended modifications should be incorporated within an amended version of the neighbourhood plan and that the amended plan should proceed to referendum.
- 10.27 It should be noted that the final recommendation in the Examiner's Report states: *"Consider the identification of a reserve site, for development in the event that there is a shortfall in meeting the housing requirement"*. The neighbourhood plan group and Milton Abbas Parish Council (as the

qualifying body) agreed that the draft neighbourhood plan met the needs of the parish and therefore could proceed without a reserve site. Dorset Council separately considered the matter of whether a reserve site should be included in the plan. In particular, it noted that the examiner does not suggest that a reserve site is necessary in order for the plan to meet 'basic conditions' or any other legal requirement, and also that the Parish Council had given the matter due consideration and taken a vote. Since production of a neighbourhood plan should be led by the qualifying body (in this case, the Parish Council), Dorset Council saw no reason to amend the plan to include a reserve site.

- 10.28 Further to Cllr Walsh deciding that the plan should proceed to referendum, he agreed that a recommendation to make the Milton Abbas Neighbourhood Development Plan 2019 - 2031 should be made to a Cabinet meeting after the referendum if the result of the referendum was in support of making the plan and there are no other issues identified that would go against such a decision.
- 10.29 The Council held a referendum on 6 May 2021 with the area covered by the referendum being the Civil Parish of Milton Abbas. This is the same area to which the neighbourhood plan applies. In the referendum 162 people (83.5%) voted in favour of the plan with 32 people (16.5%) voting against the plan. The turnout was 42.3%.
- 10.30 Where a referendum results in more than half those voting, voting in favour of the proposal, the Council must make the plan as soon as reasonably practical unless it considers that this would breach, or be incompatible with relevant environmental regulations or human rights requirements.
- 10.31 The Milton Abbas Neighbourhood Development Plan 2019 - 2031, as proposed to be made, is attached at Appendix F. More than 50% of those voting in the referendum voted in favour of the plan.

Portland Neighbourhood Plan 2017 - 2031

- 10.32 The neighbourhood plan area for Portland was formally designated by Weymouth and Portland Borough Council on 12 November 2013. Following significant amounts of consultation and research Portland Town Council (the Qualifying Body) submitted the Portland Neighbourhood Plan 2019 - 2031, and associated documents, to Dorset Council in June 2019.
- 10.33 The plan, and associated documents, were subject to formal consultation from 15 August 2019 to 9 October 2019. Dorset Council subsequently made arrangements for an independent examination of the plan as

required by The Neighbourhood Planning (General) Regulations 2012 (as amended).

- 10.34 The examination was conducted by Mary O'Rourke BA (Hons) DipTP MRTPI and her report on the plan was published on 21 January 2020. The Examiner's Report concluded that subject to a number of modifications the plan should proceed to referendum.
- 10.35 Cllr David Walsh (Portfolio Holder for Planning) considered the Examiner's Report, including her recommendations, and decided on 25 February 2020 that her recommended modifications should be incorporated within an amended version of the neighbourhood plan and that the amended plan should proceed to referendum. Furthermore, Cllr Walsh decided that a recommendation to make the Portland Neighbourhood Plan 2017 - 2031 should be made to a Cabinet meeting after the referendum if the result of the referendum was in support of making the plan and there are no other issues identified that would go against such a decision.
- 10.36 The Council held a referendum on 6 May 2021 with the area covered by the referendum being the Civil Parish of Portland. This is the same area to which the neighbourhood plan applies. In the referendum 1653 people (82.7%) voted in favour of the plan with 346 people (17.3%) voting against the plan. The turnout was 21.5%.
- 10.37 Where a referendum results in more than half those voting, voting in favour of the proposal, the Council must make the plan as soon as reasonably practical unless it considers that this would breach, or be incompatible with relevant environmental regulations or human rights requirements.
- 10.38 The Portland Parish Neighbourhood Plan 2017 - 2031, as proposed to be made, is attached at Appendix G. More than 50% of those voting in the referendum voted in favour of the plan.

Puddletown Neighbourhood Plan 2019 - 2031

- 10.39 The neighbourhood plan area for Puddletown was formally designated by West Dorset District Council on 3 February 2014. Following significant amounts of consultation and research Puddletown Area Parish Council (the Qualifying Body) submitted the Puddletown Neighbourhood Plan 2019 - 2031, and associated documents, to Dorset Council in May 2020.
- 10.40 The plan, and associated documents, were subject to formal consultation from 26 June 2020 to 7 August 2020. Dorset Council subsequently made arrangements for an independent examination of the plan as required by The Neighbourhood Planning (General) Regulations 2012 (as amended).

- 10.41 The examination was conducted by Andrew Mead BSc (Hons) MRTPI MIQ and his report on the plan was published on 3 December 2020. The Examiner's Report concluded that subject to a number of modifications the plan should proceed to referendum.
- 10.42 Cllr David Walsh (Portfolio Holder for Planning) considered the Examiner's Report, including his recommendations, and decided on 11 March 2021 that his recommended modifications should be incorporated within an amended version of the neighbourhood plan and that the amended plan should proceed to referendum. Furthermore, Cllr Walsh decided that a recommendation to make the Puddletown Neighbourhood Plan 2019 - 2031 should be made to a Cabinet meeting after the referendum if the result of the referendum was in support of making the plan and there are no other issues identified that would go against such a decision.
- 10.43 The Council held a referendum on 6 May 2021 with the area covered by the referendum being the Civil Parish of Puddletown. This is the same area to which the neighbourhood plan applies. In the referendum 341 people (88.3%) voted in favour of the plan with 45 people (11.7%) voting against the plan. The turnout was 33.5%.
- 10.44 Where a referendum results in more than half those voting, voting in favour of the proposal, the Council must make the plan as soon as reasonably practical unless it considers that this would breach, or be incompatible with relevant environmental regulations or human rights requirements.
- 10.45 The Puddletown Neighbourhood Plan 2019 - 2031, as proposed to be made, is attached at Appendix H. More than 50% of those voting in the referendum voted in favour of the plan.

Shaftesbury Neighbourhood Plan 2019 - 2031

- 10.46 The neighbourhood area designated in September 2013 covered the parishes of Shaftesbury, Melbury Abbas and Cann. In 2017 North Dorset District Council agreed to split the neighbourhood plan area in two, and on 29 November 2017 a new neighbourhood area for Shaftesbury parish was formally designated. (A new neighbourhood area for Melbury Abbas and Cann was also formed and this neighbourhood plan is still in the production stage.) Following significant amounts of consultation and research Shaftesbury Town Council (the Qualifying Body) submitted the Shaftesbury Neighbourhood Plan 2019 - 2031, and associated documents, to Dorset Council in January 2020.

- 10.47 The plan, and associated documents, were subject to formal consultation from 7 February 2020 to 20 March 2020. Dorset Council subsequently made arrangements for an independent examination of the plan as required by The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 10.48 The examination was conducted by David Hogger BA MSc MRTPI MCIHT and his report on the plan was published on 13 August 2020. The Examiner's Report concluded that subject to a number of modifications the plan should proceed to referendum.
- 10.49 Cllr David Walsh (Portfolio Holder for Planning) considered the Examiner's Report, including his recommendations, and decided on 26 January 2021 that his recommended modifications should be incorporated within an amended version of the neighbourhood plan and that the amended plan should proceed to referendum. Furthermore, Cllr Walsh decided that a recommendation to make the Shaftesbury Neighbourhood Plan 2019 - 2031 should be made to a Cabinet meeting after the referendum if the result of the referendum was in support of making the plan and there are no other issues identified that would go against such a decision.
- 10.50 The Council held a referendum on 6 May 2021 with the area covered by the referendum being the Civil Parish of Shaftesbury. This is the same area to which the neighbourhood plan applies. In the referendum 1556 people (87.8%) voted in favour of the plan with 216 people (12.2%) voting against the plan. The turnout was 26.9%.
- 10.51 Where a referendum results in more than half those voting, voting in favour of the proposal, the Council must make the plan as soon as reasonably practical unless it considers that this would breach, or be incompatible with relevant environmental regulations or human rights requirements.
- 10.52 The Shaftesbury Neighbourhood Plan 2019 - 2031, as proposed to be made, is attached at Appendix I. More than 50% of those voting in the referendum voted in favour of the plan.

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.