

Cabinet

7 September 2021

Holwell Neighbourhood Plan Review 2017 - 2031

For Decision

Portfolio Holder: Cllr D Walsh, Planning

Local Councillor(s): Cllr R Legg

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Recommendations: The following recommendations are made:

- a) That the Council makes the Holwell Neighbourhood Plan Review 2017 - 2031 (as set out in Appendix A) part of the statutory development plan for the Holwell Neighbourhood Area.
- b) That the Council offers its congratulations to Holwell Parish Council and members of the Neighbourhood Plan Group in producing a successful neighbourhood plan review.

Reason for Recommendations: To formally make the neighbourhood plan review part of the statutory development plan for the Holwell Neighbourhood Area. In addition, to recognise the significant amount of work undertaken by Holwell Parish Council and members of the Neighbourhood Plan Group in preparing the plan review and to congratulate the Council and Group on their success.

1. Executive Summary

- 1.1 The neighbourhood plan review has been subject to independent examination and the examiner has recommended that the Council should make (adopt) the plan with the modification specified in his report (Appendix B). (The examiner has concluded that there is no statutory requirement for a referendum in this instance given the limited nature of the changes proposed to the plan). The purpose of this report is to formally make the plan review part of the development plan for use in planning decisions in the Holwell Neighbourhood Area.

2. Financial Implications

- 2.1 Dorset Council is eligible to claim a grant of £10,000 after the revised plan comes into force following examination. This grant is intended to cover the costs associated with the Council's input into the production of the neighbourhood plan review including the costs associated with the examination.

3. Well-being and Health Implications

- 3.1 The plan review has 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 plan review has 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 plan review will form part of the development plan for the Holwell Neighbourhood Area alongside other current adopted plans including the West Dorset and Weymouth & Portland Local Plan (2015). 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

Residual Risk: LOW

- 6.1 A legal challenge could be made against the decision to make the Holwell Neighbourhood Plan Review 2017 - 2031. Such a challenge could be made on the basis that the neighbourhood plan review, 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 who examined the plan review has considered these matters in light of the consultation responses that have been made to the plan review. The Council has also considered these matters and is of the view that there is no basis for reaching a different view to the examiner.

7. Equalities Impact Assessment

- 7.1 Part of the independent examiner's role was to consider whether the neighbourhood plan review 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 the examiner in this regard.

8. Appendices

Appendix A: Holwell Neighbourhood Plan Review 2017 – 2031

Appendix B: Examiner's Report

9. Background Papers

Documents relating to the Holwell Neighbourhood Plan Review can be accessed via the following webpage: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-council-planning-policy/neighbourhood-plans-in-dorset/holwell-neighbourhood-plan>

10. Reason Decision Needed

- 10.1 The neighbourhood plan area for Holwell was designated by West Dorset District Council in June 2014. Following significant amounts of consultation and research Holwell Parish Council (the Qualifying Body) submitted the Holwell Neighbourhood Plan 2017 - 2031, and associated documents, to West Dorset District Council in August 2018. The submitted plan was subject to consultation, independent examination and then a referendum. The referendum was held on Thursday 7 February 2019 and a majority of those who voted in the referendum voted in favour of the plan. Consequently, the neighbourhood plan was formally made by West Dorset District Council on 26 February 2019.
- 10.2 In June 2020, Holwell Parish Council decided to review the made plan. A consultation exercise determined that local residents felt that there was no obvious need to amend the plan significantly, either by changing existing

policies or adding new policies. It was considered that any changes should reflect factual updates such as development which has taken place since the plan was made. Therefore, the plan has been updated and the main changes are in relation to housebuilding and planning permissions granted since the plan was first drafted.

- 10.3 The plan review, and associated documents, were subject to formal consultation from 31 March 2021 to 19 May 2021. Dorset Council¹ subsequently made arrangements for an independent examination of the plan review as required by The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 10.3 The examination was conducted by Andrew Mead BSc (Hons) MRTPI MIQ and his report on the plan was published on 4 August 2021. The Examiner's Report concluded that subject to one modification the plan review should proceed to be made (adopted) by Dorset Council. (The examiner has concluded that there is no statutory requirement for a referendum in this instance given the limited nature of the changes proposed to the plan). The plan review, once made, will replace the existing Holwell Neighbourhood Plan 2017 – 2031, which was made in February 2019, as part of the development plan for the Holwell Neighbourhood Area.

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.

¹ On 1 April 2019 the county's nine councils were replaced by two new organisations. Dorset Council became the local authority for the area previously covered by West Dorset District Council.