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Report on Holwell Neighbourhood Plan Review 2017 - 2031

**An Examination undertaken for Dorset Council with the support of
Holwell Parish Council on the February 2021 submission version of the
draft Plan.**

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Date of Report: 4 August 2021

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Main Findings - Executive Summary

I made an initial determination on 29 June 2021 that the modifications contained in the draft Holwell Neighbourhood Plan Review (the draft Plan/Review) are not so significant or substantial as to change the nature of the Neighbourhood Development Plan which the draft Plan would replace.

From my examination of the draft Plan and its supporting documentation including the representations made, I have concluded that subject to the Examiner Modification (EM) set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Holwell Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Holwell as shown on Figure 1 of the Plan;
- The Plan specifies the period to which it is to take effect – 2017–2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

Therefore, I recommend that the local planning authority should make the Plan with the EM specified in this report (there will be no statutory requirement for a referendum).

1. Introduction and Context

Holwell Neighbourhood Plan Review 2017-2031

- 1.1 Holwell, with a Parish population of about 350¹, is a small rural parish located south of the A3030 between Sherborne, 11km to the north west and Sturminster Newton, 12km to the east. The majority of the built up area is based on an intersection of minor roads at Holwell village. The Parish Church of St Laurence is located in open countryside at The Borough, about a kilometre from the village centre. It is the subject of the Holwell Neighbourhood Plan 2017 – 2031 which was “made” (approved and adopted) in February 2019.
- 1.2 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. 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

¹ 2018 Mid Year Estimates: ONS.

are in relation to housebuilding and planning permissions granted since the Plan was first drafted.

The Independent Examiner

- 1.3 As the draft Plan has now reached the examination stage, I have been appointed as the examiner of the Holwell Neighbourhood Plan Review by Dorset Council (DC), with the agreement of Holwell Parish Council (HPC).
- 1.4 I am a chartered town planner and former government Planning Inspector, with over forty years' experience and I have examined many neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

Submitted Documents

- 1.5 I consider all policy, guidance and other reference documents relevant to the examination, including:
- the draft Howell Neighbourhood Plan 2017 -2031, February 2021, as proposed to be modified;
 - the summary of the proposals and reasons for the modifications set out in the Plan²;
 - the statement from Dorset Council on the nature of the proposed modifications;
 - Figure 1 of the Plan, which identifies the area to which the proposed neighbourhood development plan relates;
 - A copy of the extant Holwell Neighbourhood Plan 2017–2031, as made;
 - the Consultation Statement, February 2021;
 - the Basic Conditions Report, February 2021;
 - Strategic Environmental Assessment (SEA)(including Habitats Regulations Assessment (HRA)) Screening Report, December 2020 (with post consultation updates February 2021);
 - all the representations that have been made in accordance with the Regulation 16³ consultation; and
 - the joint response from HPC and DC (13 July 2021) to the examiner's questions (29 June 2021).⁴

Planning Policy Context

- 1.6 The Development Plan for this part of Dorset Council, not including documents relating to excluded minerals and waste development, is the West Dorset, Weymouth and Portland Local Plan (WDW&PLP) adopted in December 2015. The Local Plan was produced jointly by former West

² See paragraph 2.3 below.

³ Neighbourhood Planning (General) Regulations 2012 (as amended) ("the 2012 Regulations").

⁴ View at: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-council-planning-policy/neighbourhood-plans-in-dorset/holwell-neighbourhood-plan.aspx>

Dorset District Council (WDDC) and Weymouth and Portland Borough Council (WPBC). It is being replaced by the Dorset Council Local Plan, consultation on the first draft of which closed in March 2021. The emerging Plan does not significantly alter the approach to development in rural areas such as Holwell from that of the adopted Local Plan. An indicative housing target is included for Holwell of 35 houses for the period 2021 to 2038, seven years beyond the period of the Neighbourhood Plan, which translates to a pro-rata equivalent of 21 units.

- 1.7 The Basic Conditions Report states that there are 17 dwellings with extant permission and allocations for 3 more dwellings which, together with the windfall allowance and affordable housing reserve site allocation, would more than meet the needs for the period of the Neighbourhood Plan. Therefore, no further allocations have been made. None have been sought in the Regulation 16 consultation procedure. Dorset Council does not suggest that the housing policies are not in general conformity with strategic policies.
- 1.8 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The draft Plan was prepared having regard to the 2019 NPPF. A Revised NPPF was published on 20 July 2021 and it is this document to which I have had regard in determining whether the draft Plan meets the Basic Conditions. In addition, Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented and was also updated in July 2021.

2. Procedural Considerations

Initial Determination

- 2.1 As the draft Plan has been submitted as a review, I was required to undertake an initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”) as to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the Neighbourhood Development Plan which the draft Plan would replace.
- 2.2 The purpose of the determination is to establish whether the modification proposal can be examined under the streamlined process for the making of the draft Plan set out in Schedule A2 of the 2004 Act or, in the event that the proposal contains material modifications which do change the nature of the Plan, it would be examined under the process set out in Schedule 4B of the Planning Act 1990 (as amended), requiring an examination and a referendum.
- 2.3 To inform this determination, I considered all the relevant submitted documents and representations. In particular:
 - the “Pre-Submission Consultation Form” (Regulation 14) reproduced on page 6 of the Consultation Statement demonstrates that HPC

alerted respondents to the nature of the changes being made to the Plan through the Review and the possibility that they may go beyond being considered as minor, non-material updates⁵ (and therefore require examination);

- the section entitled "Process of Reviewing a Neighbourhood Plan" in both the Regulation 14 draft Plan⁶ and the submission draft Plan⁷ (Regulation 15), stating that it has been modified to reflect actual updates⁸; and
- the written statement on this matter provided by Dorset Council to comply with Regulation 17(e)(ii).

2.4 The draft Plan does not propose any significant changes, the main ones being in relation to housebuilding and planning permissions which have been granted since the Plan was first drafted. Dorset Council has compared the policies in the made Plan with those of the submitted Review and concluded that whilst the changes constitute material modifications, they do not change the nature of the Plan and accordingly will require examination but not a referendum.

2.5 I set out my determination in my procedural letter of 29 June 2021 to Dorset Council and Holwell Parish Council. I am content that the modifications proposed in the draft Plan are material but are not so significant or substantial as to change the nature of the Neighbourhood Development Plan which the draft Plan would replace. Therefore, I have conducted this examination in accordance with the relevant provisions in Schedule A2 to the 2004 Act, which I set out below.

The Scope of the Examination

2.6 As the independent examiner I am required to produce this report and recommend either:

- (a) that the local planning authority should make the draft plan; or
- (b) that the local planning authority should make the draft plan with the modifications specified in this report; or
- (c) that the local planning authority should not make the draft plan.

2.7 The scope of the examination is set out in Paragraph 11(1) of Schedule A2 to the 2004 Act. The examiner must consider:

- Whether the draft Plan meets the Basic Conditions.

⁵ See the first bullet point of PPG Reference ID: 41-106-20190509.

⁶ View the Regulation 14 Plan (December 2020) at:
<https://holwellneighbourhoodplan.co.uk/wp-content/uploads/2020/12/holwell-neighbourhood-plan-submission-draft-amended-examination-final-201214-1.pdf>

⁷ See page 8 of the Plan.

⁸ I consider, in essence, HPC has sought to substantially comply with the requirements of Regulations 14(a)(v) and 15(1)(f).

- Whether the draft Plan complies with provisions under s.38A and s.38B of the 2004 Act. These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Such matters as prescribed in the 2012 Regulations.

2.8 I have considered only matters that fall within Paragraph 11(1) of Schedule A2 to the 2004 Act, with one exception. That is the requirement that the draft Plan is compatible with the Human Rights Convention.

The Basic Conditions

2.9 The 'Basic Conditions' are set out in Paragraph 11(2) of Schedule A2 to the 2004 Act. In order to meet the Basic Conditions, the draft plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations (under retained EU law);⁹ and
- Meet prescribed conditions and comply with prescribed matters.

2.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of

⁹ The existing body of environmental regulation is retained in UK law.

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Site Visit

- 2.11 I made an unaccompanied site visit to the Neighbourhood Plan Area on 1 July 2021 to familiarise myself with it, and see relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.12 This examination has been dealt with by written representations. The representations set out the objections and other comments clearly in relation to the draft Plan. None of the representations received under Regulation 16 requested a hearing. There were no exceptional reasons to justify convening a public hearing.¹¹

Examiner Modifications

- 2.13 Where necessary, I have specified an Examiner Modification (**EM**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have attached this modification separately in the Appendix.

3. Compliance Matters and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Holwell Neighbourhood Plan Review has been prepared and submitted for examination by Holwell Parish Council, which is the qualifying body. The Neighbourhood Plan Area was designated by the former WDDC in June 2014, replaced by Dorset Council on 1 April 2019 which carries over the statutory designation.
- 3.2 It is the only Neighbourhood Plan for Holwell Parish, and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2017 to 2031.

¹⁰ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

¹¹ Paragraph 12(2) of Schedule A2 to the 2004 Act.

Neighbourhood Plan Preparation and Consultation

- 3.4 Details of the Plan preparation and consultation are set out in the Parish Council's Consultation Statement, dated February 2021. The decision to review the Plan was first mooted in June 2020 and work on it quickly began. Consultation information was hand delivered and placed on-line. Hard copies of documents were made available to those not able to view them electronically.
- 3.5 Regulation 14 consultation took place between 14 December 2020 and 1 February 2021. Comments were made by fourteen respondents, 7 of whom were local residents. The responses indicated that there was no obvious need to amend the Plan significantly, with the changes either supported or considered relatively insignificant as to requiring any response. No specific issues were raised that needed to be addressed.
- 3.6 At the Regulation 16 stage, between 31 March and 19 May 2021, representations were received from 6 different parties. The majority of these were statutory consultees, although one substantial response was made by planning consultants on behalf of a housing association.
- 3.7 I confirm that the legal requirements have been met by the consultation process. In addition, there has been regard to the advice in PPG on plan preparation and engagement.

Development and Use of Land

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.9 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.10 No issues have been raised in relation to the possible contravention of Human Rights in the consultations. Dorset Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

4. Assessment of the Basic Conditions

EU Obligations

- 4.1 The Holwell Neighbourhood Plan Review was screened for SEA by Dorset Council, which found that it was unnecessary to undertake SEA. Having

read the Strategic Environmental Assessment Screening Report, I support this conclusion.

- 4.2 The Neighbourhood Plan Review was further screened for HRA, which also was not triggered. Natural England agreed with this conclusion.¹² From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.4 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹³
- 4.5 Accordingly, having regard to the Holwell Neighbourhood Plan Review, the consultation responses, other evidence and the site visit, I consider that the main issues in this examination are whether the draft Plan's policies: (i) have regard to national policy and guidance; (ii) are in general conformity with the adopted strategic planning policies; and (iii) would contribute to the achievement of sustainable development. I shall consider firstly, the modified policies and, secondly, the unchanged policies to ensure they remain compliant.

Policy Modifications

- 4.6 The changes to the made Plan focus on alterations to Housing Policies H1 and H3. Policy H1 in the made Plan considers the amount and location of new housing and provides for up to four (net) new build open market dwellings on four designated sites in Holwell. In the Review, Policy H1 has acknowledged that one of the designated sites, Westbourne, has received planning permission for a dwelling (net). Therefore, the policy has been altered to refer to the planning permission for the additional dwelling at Westbourne and to reduce the number of designated sites for one additional (net) dwelling to the remaining three.

¹² Email from Natural England dated 26 January 2021.

¹³ PPG Reference ID: 41-041-20140306.

- 4.7 I consider that this factual update is a minor change and Policy H1 has regard to national guidance¹⁴, generally conforms with Policies SUS2 and SUS5 of the WDW&PLP and meets the Basic Conditions.
- 4.8 Policy H3 in the made Plan identifies a site to the rear of Nos 7 and 8 The Plot for affordable housing to be developed, when the affordable housing scheme at Crouch Lane has been built and occupied. The policy has been altered in the Review, so it refers specifically to the 14 dwellings permitted in the Crouch Lane development, now called Crouch Hill Close. I consider this is a minor change to the wording of the policy. Policy H3 has regard to national guidance¹⁵, generally conforms with Policies SUS2, SUS5 and HOUS2 of the WDW&PLP and meets the Basic Conditions.

Unchanged Policies

- 4.9 Aside from the modified policies H1 and H3, the other nine policies in the made Plan remain unchanged and each has regard to national guidance, generally conforms with the strategic policies of the WDW&PLP, would contribute to the achievement of sustainable development and meets the Basic Conditions.
- 4.10 The following table sets out the details of how each policy has regard to national guidance and with which policy in the WDW&PLP it generally conforms, to enable the Basic Conditions to be met.

Table 1.

Policy	Subject	National guidance (NPPF paragraph number)	WDW&PLP Policy
H2	Preventing Backland Development	120	ENV15
EB1	Locations for Employment and Business	84	ECON1
EB2	Camping and Caravanning Sites	84	ECON1
C1	Important Community Facilities	84	COM2, COM3
C2	Public Rights of Way	100	COM7
E1	Locally Important Views	130	ENV1
E2	Locally Important Woodlands, Wildlife and Landscape Features	174	ENV1, ENV2, ENV3, ENV10

¹⁴ NPPF: paragraphs 70, 78 & 79.

¹⁵ NPPF: paragraphs 78 & 79.

E3	Buildings and Structures of Local Importance	189, 203	ENV4
E4	Design	127, 128	ENV1, ENV11, ENV12

4.11 There are no additional policies in the Review of the Plan.

Alterations to the Text and Policies Maps

4.12 As indicated by Dorset Council in its Regulation 15 representation, the Plan text has been amended in several places. These are helpful factual updates and constitute minor changes which do not affect the Basic Conditions.

4.13 The Policies Map Inset Map for Fosters Hill shows an uncoloured plot between The Milk House and the "Approved site under construction". The helpful response from HPC¹⁶ in answer to my question about Westbourne, and the block plan which was included, clarified that there are two new houses on the site previously occupied by the one dwelling. However, this still leaves the anomaly of the Inset Map indicating a site for which no explanation is given in the notation. Therefore, I consider that, for the sake of accuracy, especially as it relates to Policy H1, the "Approved site under construction" should be extended to encompass the whole of the land containing the two new houses between The Milk House and Moormead House. **(EM1)**

All Other Matters

4.14 In this examination, I have focussed on differences in the policies between the made Neighbourhood Plan and the Review. Nevertheless, I have considered afresh the whole of the draft Plan.¹⁷ I have reviewed each policy in terms of its consistency with national policy and guidance and general conformity with the strategic policies in the Development Plan. Other than the issues that are discussed above, I am satisfied that there are no other matters which affect the Basic Conditions.

5. Conclusions

Summary

5.1 The Holwell Neighbourhood Plan Review has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the draft Plan meets the Basic Conditions and other legal requirements. I have had regard for all the responses made

¹⁶ See footnote 4.

¹⁷ See paragraph 2.7 above.

following consultation on the draft Neighbourhood Plan, and the evidence documents submitted with it.

- 5.2 I have set out one modification to the Policies Map Inset Map for Fosters Hill to ensure the Plan meets the Basic Conditions and other legal requirements.

Recommendation

- 5.3 I recommend that Dorset Council should make the draft Plan with the modification specified in the Appendix to this report.
- 5.4 It is evident that a great deal of thought and effort has been devoted to the development and speedy production of the Review of the Plan and I congratulate those that were involved. The updated Plan should prove a useful tool for future planning and change in the Parish of Holwell over the coming years.

Andy Mead

Examiner

Appendix: Examiner Modification

Examiner Modification (EM) number	Page no./ other reference	Modification
EM1	Policies Map Inset Map: Fosters Hill	Extend the area identified in the notation as "Approved site under construction" to include the vacant site to the east of The Milk House.