

Cabinet

1 March 2022

Charmouth Neighbourhood Plan 2021 - 2035

For Decision

Portfolio Holder: Cllr D Walsh, Planning

Local Councillor(s): Cllr Daryl Turner

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 Charmouth Neighbourhood Plan 2021 - 2035 (as set out in Appendix A) part of the statutory development plan for the Charmouth Neighbourhood Area.
- b) That the Council offers its congratulations to the Parish Council and members of the Neighbourhood Plan Group in producing a successful neighbourhood plan.

Reason for Recommendations: To formally make the Charmouth Neighbourhood Plan 2021 - 2035 part of the statutory development plan for the Charmouth Neighbourhood Area. In addition, to recognise the significant amount of work undertaken by the Parish Council and members of the Neighbourhood Plan Group in preparing the plan and to congratulate the Council and Group on their success.

1. Executive Summary

- 1.1 The Charmouth Neighbourhood Plan 2021 - 2035 has been subject to independent examination and a referendum. The purpose of this report is to formally make the plan part of the development plan for use in planning decisions in the area that it covers.

2. Financial Implications

- 2.1 When a decision was formally made to progress the neighbourhood plan to referendum, Dorset Council became eligible for a grant of £20,000 in respect of the plan. 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 referendum.

3. Well-being and Health Implications

- 3.1 The plan 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 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 will form part of the development plan for the area that it covers alongside other current adopted plans such as the West Dorset, 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 a 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 who examined the plan has considered these matters in light of all the consultation responses that have been made to the 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 examiner.

7. Equalities Impact Assessment

- 7.1 Part of the independent examiner's 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 the examiner in this regard.

8. Appendices

[Appendix A - Charmouth Neighbourhood Plan 2021-2035](#)

9. Background Papers

Documents relating to the Charmouth Neighbourhood Plan 2021 - 2035 can be accessed via the plan's dedicated webpage which is available at:

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

10. Reason Decision Needed

- 10.1 The neighbourhood plan area for Charmouth was formally designated by West Dorset District Council (WDDC) on 30 September 2014. Following significant amounts of consultation and research Charmouth Parish Council (the Qualifying Body) submitted the Charmouth Neighbourhood Plan 2021 - 2035, and associated documents, to Dorset Council in May 2021¹.
- 10.2 The plan, and associated documents, were subject to formal consultation from 18 June 2021 to 30 July 2021. 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 Andrew Mead BSc (Hons) MRTPI MIQ and his report on the plan was published on 28 October 2021. The

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.

Examiner's Report concluded that subject to a number of modifications the plan should proceed to referendum.

- 10.11 Cllr David Walsh (Portfolio Holder for Planning) decided on the 19 November 2021 that the examiner's 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 Charmouth Neighbourhood Plan 2021 - 2035 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 10 February 2022 with the area covered by the referendum being the Civil Parish of Charmouth. This is the same area to which the neighbourhood plan applies. In the referendum 289 people (90.9%) voted in favour of the plan with 29 people (9.1%) voting against the plan. The turnout was 29%.
- 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 Charmouth Neighbourhood Plan 2021 - 2035, 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.

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.