

# Cabinet

## 7 November 2023

### Chesil Bank Neighbourhood Plan

#### For Decision

**Portfolio Holder:** Cllr D Walsh, Planning

**Local Councillor(s):** Cllr M Roberts

**Executive Director:** J Sellgren, Executive Director of Place

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**Report Status:** Public

**Brief Summary:** The neighbourhood plan has been subject to independent examination and referendum. The purpose of this report is to formally make the Chesil Bank Neighbourhood Plan 2022 - 2032 part of the development plan for use in planning decisions in the Chesil Bank Neighbourhood Area (Incorporating the villages of Portesham, Abbotsbury, Langton Herring and Fleet).

**Recommendations:** The following recommendations are made:

- a) That the Council makes the Chesil Bank Neighbourhood Plan 2022 - 2032 (as set out in Appendix A) part of the statutory development plan for the Chesil Bank Neighbourhood Area.
- b) That the Council offers its congratulations to Chesil Bank Parish Council and members of the Neighbourhood Plan Group in producing a successful neighbourhood plan.

**Reason for Recommendations:** To formally make the Chesil Bank Neighbourhood Plan 2022 - 2032 part of the statutory development plan for the Chesil Bank 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 Councils and the Group on their success.

## 1. Chesil Bank Neighbourhood Plan

- 1.1 The neighbourhood plan area for Chesil Bank was formally designated by West Dorset District Council (WDDC) on 10 January 2019. Following significant amounts of consultation and research Chesil Bank Parish Council (the Qualifying Body) submitted the Chesil Bank Neighbourhood Plan 2022 - 2032, and associated documents, to Dorset Council in December 2022<sup>1</sup>.
- 1.2 The plan, and associated documents, were subject to formal consultation from 20 January 2023 to 3 March 2023. Dorset Council subsequently made arrangements for an independent examination of the plan as required by The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.3 The examination was conducted by Andrew Mead BSc (Hons) MRTPI MIQ and his report on the plan was published on 23 May 2023. The Examiner's Report concluded that subject to a number of modifications the plan should proceed to referendum.
- 1.4 Cllr David Walsh (Portfolio Holder for Planning) decided on the 12 July 2023 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 Chesil Bank Neighbourhood Plan 2022 - 2032 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.
- 1.5 The Council held a referendum on 28 September 2023 with the area covered by the referendum being the Civil Parishes of Portesham, Abbotsbury, Langton Herring and Fleet. This is the same area to which the neighbourhood plan applies. In the referendum 167 people (75.2%) voted in favour of the plan with 55 people (24.7%) voting against the plan. The turnout was 19.8%.
- 1.6 Due to a regrettable error when administering the Referendum, one polling district was inadvertently excluded – this meant that 35 residents who could have chosen to vote were unable to do so. This error only came to light just before the polling stations were due to close, and we are aware of 2 residents who tried to cast their votes and were unable to do so.
- 1.7 If all 35 residents affected by the error had voted against the plan this would not have altered the outcome, but it is important that all of those entitled to vote are able to do so. Letters of apology were sent to each of

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<sup>1</sup> 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.

the residents concerned, the reason for the mistake has been identified and steps taken to ensure that it cannot be repeated in other referendums and election.

1.8 Where a referendum result is 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.

1.9 The Chesil Bank Neighbourhood Plan 2022 - 2032, 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.

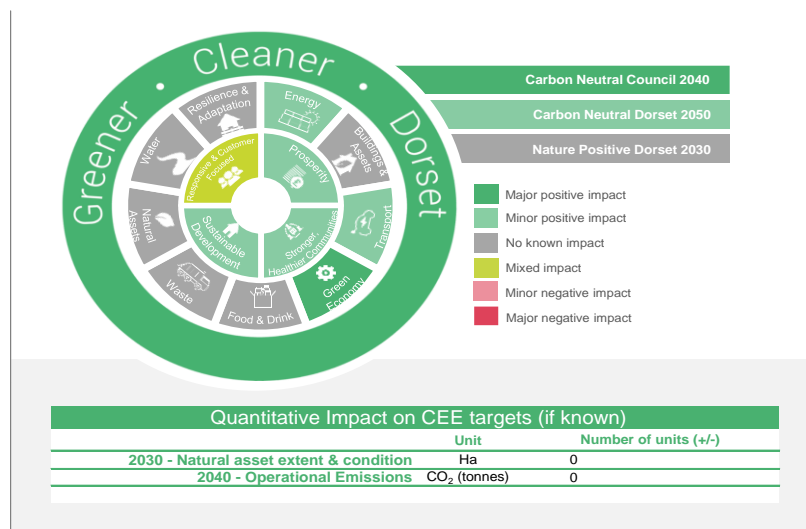
## 2. Financial Implications

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 including the costs associated with the examination.

## 3. Natural Environment, Climate & Ecology Implications

3.1 The plan has been prepared in accordance with national planning policy and guidance which seeks to deliver sustainable development through planning decisions including by improving biodiversity and mitigating and adapting to climate change. The independent examiner who conducted the examination of the plan considers that the plan contributes to the achievement of sustainable development.

3.2 The Natural Environment, Climate and Ecological Decision Wheel has been completed and is included below. Appendix C sets out a Table of Impacts and a Table of Recommendations in relation to the Decision Wheel.



#### **4. Well-being and Health Implications**

- 4.1 The plan has been prepared in accordance with national planning policy and guidance which seeks to deliver healthy, inclusive and safe places.

#### **5. Other Implications**

- 5.1 The neighbourhood plan will form part of the development plan for the area 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 the conduct of the referendum and the 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 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 plan 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: Chesil Bank Neighbourhood Plan 2022 - 2032

Appendix B: Chesil Bank Examiner's Report

Appendix C: Table of Impacts and Table of Recommendations

#### **9. Background Papers**

Documents relating to the Chesil Bank Neighbourhood Plan:

<https://www.dorsetcouncil.gov.uk/chesil-bank-neighbourhood-plan>