

Cabinet

12 March 2024

Hazelbury Bryan Neighbourhood Plan Review

For Decision

Portfolio Holder: Cllr D Walsh, Planning

Local Councillor(s): Cllr P Batstone

Executive Director: Jan Britton, Executive Lead for Place

Report Author: Ed Gerry

Title: Community Planning Manager

Tel: 01258 484211

Email: ed.gerry@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary: 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 modifications 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 modified plan part of the development plan for use in planning decisions in the Hazelbury Bryan Neighbourhood Area.

Recommendations: The following recommendations are made:

- a) That the Council makes the Modified Hazelbury Bryan Neighbourhood Plan 2018 - 2031 (as set out in Appendix A) part of the statutory development plan for the Hazelbury Bryan Neighbourhood Area.
- b) That the Council offers its congratulations to Hazelbury Bryan Parish Council and members of the Neighbourhood Plan Group in producing a successful neighbourhood plan review.

Reason for Recommendations: To formally make the modified neighbourhood plan part of the statutory development plan for the Hazelbury Bryan 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 review and to congratulate the Council and the Group on their success.

1. Hazelbury Bryan Neighbourhood Plan Review

- 1.1 The neighbourhood plan area for Hazelbury Bryan was designated by North Dorset District Council in October 2016. Following significant amounts of consultation and research Hazelbury Bryan Parish Council (the Qualifying Body) submitted the Hazelbury Bryan Neighbourhood Plan 2018 - 2031, and associated documents, to North Dorset District Council in July 2018. The submitted plan was subject to consultation, independent examination and then a referendum. The referendum was held on 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 North Dorset District Council on 8 March 2019.
- 1.2 In January 2023, Hazelbury Bryan Parish Council decided to review the made plan. As part of the review it was decided to undertake a new housing needs assessment. The results of the assessment confirmed that with the existing sites in the Plan, the completion of some existing approvals, infill developments and other approvals yet to be built there was adequate housing supply to meet local needs. Consequently, it was determined that a “light-touch” review would be sufficient. Full details regarding the changes proposed are outlined in the Modification Proposal Statement which is available via the link set out at the end of this report.
- 1.3 The modified plan, and its associated documents, were subject to formal consultation from 24 November 2023 to 12 January 2024. Dorset Council¹ subsequently made arrangements for an independent examination of the plan review as required by The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.4 The examination was conducted by Andrew Mead BSc(Hons) MRTPI MIQ and his report on the plan was published on 28 February 2024. The Examiner’s Report concludes that subject to two modifications, and other minor non-material amendments, the modified plan 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 modified plan, once made, will replace the existing Hazelbury Bryan Neighbourhood Plan 2018 – 2031, which was made in March 2019, as part of the development plan for the Hazelbury Bryan Neighbourhood Area.

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 North Dorset District Council.

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 modified neighbourhood plan including the costs associated with the examination.

3. Natural Environment, Climate & Ecology Implications

- 3.1 The modified 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 modified plan considers that the plan contributes to the achievement of sustainable development.
- 3.2 As this report is pertaining to the Hazelbury Bryan Neighbourhood Plan Review, there is no specific requirement for including a climate decision-wheel in this instance.

4. Well-being and Health Implications

- 4.1 The modified 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 modified neighbourhood plan will form part of the development plan for the Hazelbury Bryan Neighbourhood Area alongside other current adopted plans including the North Dorset Local Plan Part 1 (2016). 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 modified Hazelbury Bryan Neighbourhood Plan. Such a challenge could be made on the basis that the modified neighbourhood plan 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 modified 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 modified 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: Modified Hazelbury Bryan Neighbourhood Plan 2018 - 2031
Appendix B: Examiner's Report

9. Background Papers

Documents relating to the Hazelbury Bryan Neighbourhood Plan Review can be accessed via the following webpage: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/north-dorset/neighbourhood-planning/submitted-plans/hazelbury-bryan-neighbourhood-plan>