

# Cabinet

9 July 2024

## Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038

### For Decision

**Cabinet Member and Portfolio:**

Cllr. S Bartlett, Planning and Emergency Planning

**Local Councillor(s):**

Cllr V Pothecary, Cllr B Ridout and Cllr C Woode

**Executive Director:**

Jan Britton, Executive Lead for Place

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**Report Status:** Public (the exemption paragraph is N/A)

**Brief Summary:** The neighbourhood plan has been subject to independent examination and referendum. The purpose of this report is to formally 'make' (adopt) the Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038 part of the development plan for use in planning decisions in the Buckhorn Weston and Kington Magna Neighbourhood Area.

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

- a) That the Council 'makes' the Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038 (as set out in Appendix A) part of the statutory development plan for the Buckhorn Weston and Kington Magna Neighbourhood Area.
- b) That the Council offers its congratulations to Buckhorn Weston and Kington Magna Parish Council and members of the Neighbourhood Plan Group for producing a successful neighbourhood plan.

**Reason for Recommendation:** To formally 'make' the Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038 part of the statutory development plan for the Buckhorn Weston and Kington Magna 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 the Group on their success.

## **1. Buckhorn Weston and Kington Magna Neighbourhood Plan**

- 1.1 The neighbourhood plan area for Buckhorn Weston and Kington Magna was formally designated by Dorset Council on 9 June 2021. Following significant amounts of consultation and research Buckhorn Weston and Kington Magna Parish Council (the Qualifying Body) submitted the Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038, and associated documents, to Dorset Council in October 2023.
- 1.2 The plan, and its associated documents, were subject to formal consultation from 10 November 2023 to 22 December 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 David Hogger BA MSc MRTPI MCIHT and his report on the plan was published on 27 March 2024. The Examiner's Report concluded that subject to a number of modifications the plan should proceed to referendum.
- 1.4 Cllr David Walsh (the Council's previous Portfolio Holder for Planning) decided on the 18 April 2024 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 Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038 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 20 June 2024 with the area covered by the referendum being the Civil Parishes of Buckhorn Weston and Kington Magna. This is the same area to which the neighbourhood plan applies. In the referendum 138 people (75%) voted in favour of the plan with 46 people (25%) voting against the plan. The turnout was 30.5%.
- 1.6 Where a referendum results in more than half of those voting, voting in favour of the plan, 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.

- 1.7 The Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038, as proposed to be 'made', is attached at Appendix A. More than 50% of those who voted in the referendum voted in favour of the plan.

## **2. Financial Implications**

- 2.1 In previous financial years, when a decision has been formally made to progress an original version of a neighbourhood plan (rather than a review) to referendum, Dorset Council has become eligible for a grant of £20,000 in respect of the plan. This grant has been 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.
- 2.2 The Government has not yet announced what grant support will be available to local planning authorities during the 2024/25 financial year and it is not anticipated that an announcement will be made prior to the general election. However, it is hoped that the grant support that has previously been provided to local planning authorities will be made available during the 2024/25 financial year.

## **3. Natural Environment, Climate & Ecology Implications**

- 3.1 The neighbourhood 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 As this report is pertaining to the Buckhorn Weston and Kington Magna Neighbourhood Plan, there is no specific requirement for including a climate decision-wheel in this instance.

## **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 Buckhorn Weston and Kington Magna 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**

- 6.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: LOW

Residual Risk: LOW

- 6.2 A legal challenge could be made against the decision to ‘make’ the Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038. Such a challenge could be made on the basis that the 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 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: Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038

Appendix B: Examiner’s Report

## **9. Background Papers**

Documents relating to the Buckhorn Weston and Kington Magna Neighbourhood Plan can be accessed via the following webpage:

<https://www.dorsetcouncil.gov.uk/w/buckhorn-weston-and-kington-magna-neighbourhood-plan>

## **10. Report Sign Off**

- 10.1 This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder.