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# **Report on Buckhorn Weston and Kington Magna Neighbourhood Development Plan 2021 - 2038**

**An Examination undertaken for Dorset Council with the support of  
Buckhorn Weston and Kington Magna Parish Council on the October  
2023 Submission Draft of the Plan.**

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Date of Report: 27 March 2024

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## **Main Findings - Executive Summary**

From my examination of the Buckhorn Weston and Kington Magna Neighbourhood Plan 2021—2038 (the Plan/BWKMNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications 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: Buckhorn Weston and Kington Magna Parish Council;
- The Plan has been prepared for an area properly designated – the designated area as identified on Figure 1 on page 10 of the Plan;
- The Plan specifies the period to which it is to take effect - 2021 to 2038; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### **Buckhorn Weston and Kington Magna Neighbourhood Plan 2021—2038**

- 1.1 The Parish of Buckhorn Weston and Kington Magna, which is home to 320 households<sup>1</sup>, lies in rural Dorset, to the south-west of Gillingham. The core of the village of Kington Magna was designated a Conservation Area in January 1995 and there are a number of listed buildings in both the villages. It is an attractive rural Parish, and it is clear to me why the Parish Council wishes to 'make sure the design of new development takes account of the existing settlement character' (Objective 2 on page 20).
- 1.2 There are only a small number of community facilities and services available in the Parish, including two churches, a Public House, two village halls, and outdoor play areas. The nearest schools are at Bourton (primary) and Gillingham (secondary). The BWKMNP confirms in paragraph 8 that 'local bus services through the villages has ceased'.
- 1.3 The Consultation Report<sup>2</sup> (statement), October 2023, confirms that the process of preparing this Neighbourhood Plan commenced with initial

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<sup>1</sup> 2021 Census records.

<sup>2</sup> On page 3.

consultation meetings on Saturday 19 February 2022. Since that time the Parish Council has employed a number of initiatives, including a survey of all residents in the Parish and specific consultation on the proposed settlement boundaries.

### The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the BWKMNP by Dorset Council (DC), with the agreement of the Buckhorn Weston and Kington Magna Parish Council (the PC).
- 1.5 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation, examination and implementation of development plans and other planning policy documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

### The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
  - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('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.
  - Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
  - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').
- 1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### The Basic Conditions

- 1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood 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)<sup>3</sup>; and
  - Meet prescribed conditions and comply with prescribed matters.
- 1.10 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 Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>4</sup>

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<sup>3</sup> The existing body of environmental regulation is retained in UK law.

<sup>4</sup> 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.

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The Development Plan for this part of Dorset, not including documents relating to excluded minerals and waste development, is the adopted North Dorset Local Plan Part 1 – 2011 to 2031 (2016) (NDLP). Work has commenced on an updated Local Plan for all of Dorset but it is at an early stage, with adoption of the document not expected until May 2027.<sup>5</sup>
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF).<sup>6</sup> The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

### Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the Submission Draft of the Buckhorn Weston and Kington Magna Neighbourhood Plan (October 2023);
  - the Map on page 10 of the Neighbourhood Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Report (October 2023);
  - the Basic Conditions Statement, including Appendix 2 providing the Strategic Environmental Assessment screening report of May 2023, (October 2023)<sup>7</sup>;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the responses to my questions of 15 January 2024, from both Dorset Council and the PC, dated 1 February 2024 and 31 January 2024 respectively.
  - the response from the PC, dated 12 February 2024, to my additional question to the PC, dated 5 February 2024.<sup>8</sup>

### Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 18 January 2024, to familiarise myself with the locality, and visit relevant

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<sup>5</sup> See the Local Development Scheme for Dorset Council (March 2024): [Dorset Council Local Plan - Dorset Council](#) A Local Plan Options Consultation previously took place between 18 January and 15 March 2021.

<sup>6</sup> A revised version of the NPPF was published in December 2023. All references in this report relate to this latest version.

<sup>7</sup> A Habitats Regulations Assessment screening report (November 2023) has also been produced, albeit this is not appended to the Basic Conditions Statement.

<sup>8</sup> View at: <https://www.dorsetcouncil.gov.uk/web/guest/-/buckhorn-weston-and-kington-magna-neighbourhood-plan>

sites and areas referenced in the Plan and evidential documents. The local road closure did not prevent me from visiting all the relevant sites.

#### Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

#### Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

### 3. Procedural Compliance and Human Rights

#### Qualifying Body and Neighbourhood Plan Area

- 3.1 The BWKMNP has been prepared and submitted for examination by the PC as the qualifying body for an area that was originally designated by Dorset Council on 9 June 2021.
- 3.2 It is the only Neighbourhood Plan for the Parish and does not relate to land outside the designated Neighbourhood Plan Area.

#### Plan Period

- 3.3 The Plan specifies the period to which it is to take effect, which is 2021 to 2038.

#### Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Report summarises the approach to consultation undertaken by the Parish Council.
- 3.5 Opportunities to contribute towards the preparation of the BWKMNP have been available to all interested parties at the relevant stages, including those required statutorily at the Regulation 14 stage (12 June 2023 to 24 July 2023) and the Regulation 16 stage (10 November 2023 to 22 December 2023). The Consultation Report (October 2023) provides details of the consultation methodology and the consequent responses up to the Regulation 15 stage submission of the Plan to DC.



- 3.6 Concerns were expressed by one Regulation 16 respondent (Representation No 8) about the level of consultation that has been undertaken but there have been opportunities available for residents to contribute to the plan making process and I consider that, overall, the approach towards the preparation of the BWKMNP has been conducted in a fair and inclusive manner. All residents have been given the opportunity to comment on issues of concern and the PC has given due consideration to the responses submitted. Therefore, I am satisfied sufficient regard has been had to advice in the PPG on plan preparation and engagement and the process has been procedurally compliant in accordance with the legal requirements. This issue is further discussed in paragraphs 4.7 to 4.11 below.

### Development and Use of Land

- 3.7 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

- 3.8 The Plan does not include provisions and policies for 'excluded development'.<sup>9</sup>

### Human Rights

- 3.9 Paragraph 15 of the Basic Conditions Statement provides a statement on Human Rights. I have seen no evidence that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998), and it is not a matter that has been raised by any of the respondents.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 A Strategic Environmental Assessment (SEA) screening report was prepared by Dorset Council in May 2023.<sup>10</sup> The conclusion reached is that the BWKMNP does not require a full SEA to be undertaken because the Plan would not have any adverse environmental effects. The responses from the statutory agencies are provided, and indicate agreement with this conclusion. Similarly, from my own independent assessment, having read the documentation, I have no reason to take a different view. I have also considered the Habitats Regulations Assessment (HRA) screening report, dated November 2023. The HRA screening did not identify any likely significant effects resulting from the BWKMNP, and a separate email from Natural England advises that it concurs with the assessment

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<sup>9</sup> See section 61K of the 1990 Act.

<sup>10</sup> Included as Appendix 2 of the Basic Conditions Statement.

conclusions.<sup>11</sup> Again, from my own assessment, I see no reason to take a different view and agree that an Appropriate Assessment is not required. Therefore, I am satisfied that the BWKMNP is compatible with EU obligations under retained EU law.

## Main Issues

4.2 I have approached the assessment of compliance with the Basic Conditions of the BWKMNP as two main matters:

- General issues of compliance of the Plan, as a whole; and
- Specific issues of compliance of the Plan policies.

## General Issues of Compliance of the Plan

### National Policy, Sustainable Development and the Development Plan

4.3 There are nine chapters in the BWKMNP, which are Introduction to the Neighbourhood Plan; the Role and Scope of the Neighbourhood Plan; Consultation with the Community; Our Vision and Development Objectives; Settlement Boundaries; Policies for Development inside Settlement Boundaries; Other Development Policies; Green Infrastructure; and Monitoring, Delivery and Review.

4.4 It is clear to me that DC and the PC have co-operated in the preparation of the BWKMNP<sup>12</sup> and, subject to the detailed comments and recommended modifications that I set out below, I conclude that the BWKMNP has had proper regard to national policy and guidance. I also conclude that subject to the recommendations that I make:

- the BWKMNP is in general conformity with the strategic policies of the adopted Development Plan for the area, and that overall, the document provides an appropriate framework that will enable the Parish of Buckhorn Weston and Kington Magna to continue to evolve as a community whilst ensuring that the quality of life, particularly for residents, will be retained and enhanced; and
- that the policies, as modified, are supported by appropriate evidence, are sufficiently clear and unambiguous and that they can be applied with confidence.<sup>13</sup>

## Specific Issues of Compliance of the Plan's Policies

### Introduction to the Neighbourhood Plan (Chapter 1: page 6)

4.5 Chapter 1 succinctly summarises the characteristics of the Parish and provides an appropriate assessment of what life is like for local residents.

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<sup>11</sup> 18 December 2023.

<sup>12</sup> Reflecting, for example, the advice in PPG Reference IDs 41-040-20160211 and 41-009-20190509 and Paragraph 3(1) of Schedule 4B to the 1990 Act.

<sup>13</sup> PPG Reference ID: 41-041-20140306.

## [The Role and Scope of the Neighbourhood Plan \(Chapter 2: page 10\)](#)

4.6 The role and scope of the BWKMNP is established in Chapter 2 and the existing planning policy framework is described. Table 2 (page 13) establishes how sustainable development objectives will be achieved and Table 3 demonstrates that there is no conflict between strategic policies and those set out in the BWKMNP. However, Chapter 2 is out-of-date because a revised version of the NPPF was published in December 2023. Although changes to the NPPF (as they relate to the BWKMNP) were minimal, it is nevertheless important that references to the NPPF reflect the contents of the most recent edition. This is particularly notable in Table 3 of the Plan and I observe that the NPPF references need updating as follows:

- Rows 1 and 2: Paragraph 70c).
- Row 3: Paragraphs 28, 116(c), 124, 129, 134, 135 and 136.
- Row 4: Paragraphs 63-64.
- Row 5: Paragraph 191(c).
- Row 6: Paragraphs 157, 159(b), and 160.
- Row 7: Paragraph 96(c), 180(a) and 180(b).
- Row 8: Paragraphs 105-107.

Similarly, paragraph 30 of the BWKMNP refers to the September 2023 version of the NPPF which should be December 2023. To that end, I recommend that all references to the NPPF in the BWKMNP relate to the December 2023 version (**PM1**). I note that in response to my Question 3, DC confirms that in its view the BWKMNP supports the delivery of strategic policies, as set out in the NPPF (Paragraph 13). I am also satisfied appropriate reference is made to the SEA screening opinion (page 15).

## [Consultation with the Community \(Chapter 3: page 16\)](#)

4.7 Chapter 3 succinctly describes the consultation undertaken with the local community.

4.8 Concerns were expressed<sup>14</sup> regarding the consultation that took place (see also paragraph 3.6 above) but, having read the Consultation Report (October 2023) and taking into account the responses from the two Councils to my Question 2, I am satisfied that there have been appropriate opportunities to contribute to the formulation of the policies and to participate in the preparation of the BWKMNP. The fact that only three residents responded to the Regulation 16 Consultation (out of a total of ten responses received) is not necessarily an indication of failure in the consultation process. This, in my view and experience, points to the residents either supporting the BWKMNP, or at least having no significant concerns regarding the content of the BWKMNP. In drawing this conclusion, I note that there was a significantly larger public response at the Regulation 14 stage and the Consultation Report provides details of

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<sup>14</sup> Regulation 16 Representation (8).

the responses received and how the views expressed were taken into account in the (amended) Regulation 15 draft of the Neighbourhood Plan.<sup>15</sup>

- 4.9 Overall, I consider there is no substantive evidence that the consultation process was flawed, and I note that Dorset Council (in response to my Question 2) confirms that, in its view, 'the legal requirements have been met by the qualifying body', with which I agree. In any event, the community has the 'final say' because the community will have the option to endorse (or not) the contents of the document in any future referendum, before it is made and becomes part of the Development Plan for the area.
- 4.10 The same respondent<sup>16</sup> raises a number of issues in his response (numbered 1 to 15) and seeks the advice of the Parish Council on several matters. I cannot speak on behalf of the PC but I can confirm that I have considered all the points raised, together with the responses to my Questions 2 and 11, but there is no compelling evidence that would lead me to conclude that the concerns expressed should all be addressed in the BWKMNP. Their consideration in the BWKMNP is not required to ensure that the Basic Conditions are met.<sup>17</sup>
- 4.11 Chapter 3 of the document is a reasonably detailed summary of the consultation undertaken on the BWKMNP. Bearing in mind the need to be succinct<sup>18</sup>, I consider that it includes unnecessary detail, much of which can also be found in the submitted Consultation Report. I therefore recommend, with the support of the Parish Council, that the proposed paragraphs 41 to 62 are all deleted and that they are replaced by just two paragraphs. This is recommended in **PM2**.

#### [Our Vision and Development Objectives \(Chapter 4: page 19\)](#)

- 4.12 The Vision for the Neighbourhood Plan is established in Chapter 4 (page 19) and four Objectives are set out, which if implemented, will secure the realisation of the aforementioned Vision. I consider that the achievement of those Objectives will contribute significantly to realising a more sustainable future for the Parish.
- 4.13 In my Question 8 to the Parish Council, I sought the reasoning behind the lack of references to the role that movement, employment and community facilities can play in terms of improving sustainability. The PC confirmed that these matters are already adequately addressed in the existing Development Plan and having assessed the evidence, I agree.<sup>19</sup>

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<sup>15</sup> See Part 2-2 (page 43) of the Consultation Report.

<sup>16</sup> Regulation 16 Representation (8).

<sup>17</sup> PPG Reference ID: 41-004-20190509.

<sup>18</sup> PPG Reference ID: 41-041-20140306.

<sup>19</sup> Policies 11, 13 and 27, North Dorset Local Plan Part 1.

## [Settlement Boundaries \(Chapter 5: page 21\)](#)

- 4.14 The 2016 Local Plan<sup>20</sup> (policy 2: Core Spatial Strategy) does not include settlement boundaries for smaller settlements such as Buckhorn Weston and Kington Magna. However, supporting text in paragraph 3.59 confirms that a local community is able to establish a new settlement boundary through a neighbourhood plan.<sup>21</sup> Therefore, the Parish Council is following this advice and is proposing, in policies [BWKM 1](#) and [BWKM 2](#), settlement boundaries around both Buckhorn Weston and Kington Magna, as well as at Shepherds Hill (Buckhorn Weston).
- 4.15 It would assist the decision maker if it was made clearer that the restrictive countryside policies do not apply within a settlement boundary and that proposals within these boundaries should meet the requirements of policy BWKM 3 (the design and form of new development within settlement boundaries). I therefore recommend accordingly in **PM3**.
- 4.16 In response to my Question 5 regarding the settlement boundary, DC express reservations regarding the delineation of the boundary around the former Cross's Garage site in Buckhorn Weston. For the avoidance of doubt, I have seen the Planning Statement and the plans that accompany planning application P/FUL/8021/02758 for the site and a photograph of the former garage (which has been demolished). I understand why the PC has always considered the garage site to be 'an integral part of the village'.<sup>22</sup>
- 4.17 DC suggests that a 'formal site allocation' on the former Cross's Garage site would be preferable to the delineation of a settlement boundary, "because it would be informed by taking into account site constraints, such as impact on the landscape, highways capacity and residential amenity". However, I would anticipate that all of these constraints would also be taken into account should a further planning application be submitted for development on the garage site, without the site being formally allocated.
- 4.18 I have read the Settlement Boundary Methodology Note (June 2022) and this confirms, on page 1, that the main purpose of establishing a boundary is to 'define an area of built settlement within which some limited development might be supported'. On page 3 of that document, it is confirmed that separate elements (i.e. more than one boundary in a settlement) could be identified. In any event the NDLP makes it clear that the principle of development within a settlement boundary is likely to be acceptable. Indeed paragraph 3.59 of the NDLP confirms that 'development could take place' within a new settlement boundary.

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<sup>20</sup> North Dorset Local Plan (January 2016).

<sup>21</sup> See also North Dorset Local Plan policy 2 (page 37).

<sup>22</sup> See last sentence of paragraph 188 of the Consultation Report (October 2023).

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- 4.19 Having walked around and driven through the villages; having studied the Settlement Boundary Methodology; and having taken into account the views of local residents; I am satisfied that the proposed delineation of the boundaries is justified. Paragraph 8.192 of the NDLP makes it clear that neighbourhood plans may 'reinstate or review settlement boundaries' or allocate 'a specific site for housing'. I consider that provided any 're-instatement' of a settlement boundary is justified, then there is no compelling reason to take the alternative approach of allocating a site for development. I note that DC confirms, in its response to my Question 5, that the extension of a settlement boundary to permit growth on the edge of a settlement 'is not unique' (for example, the Cerne Valley Neighbourhood Plan<sup>23</sup>).
- 4.20 The issue of contamination was raised with regard to the former Cross's Garage site, but I am satisfied that, in policy terms, the issue is satisfactorily addressed elsewhere (for example, in NPPF Paragraphs 189 and 190) and the advice does not need repeating in the BWKMNP.
- 4.21 I am satisfied that policies BWKM 1 and BWKM2 are in general conformity with the strategic policies of the Development Plan for the area and meet all the other Basic Conditions.

#### [Policies for Development Inside Settlement Boundaries \(Chapter 6: page 25\)](#)

- 4.22 The value placed by local residents on the retention and improvement of the local environment is clearly high and the introductory paragraphs of Chapter 6 explain the factors that contribute to the attractive character of the Parish.
- 4.23 Policy BWKM 3 The Design and Form of New Development within Settlement Boundaries (page 29) is consistent with Local Plan policy 7 (Delivering Homes), which refers to how the matter of infilling should be addressed where settlement boundaries are created in a neighbourhood plan. The policy will contribute to the achievement of sustainable development and will meet all the other Basic Conditions.
- 4.24 Policy BWKM 4 Local Housing Requirements (page 32) is consistent with the NPPF (Paragraph 13) as it supports the delivery of strategic policies as set out in the NDLP.
- 4.25 However, it is not clear to me how the 'prioritisation' of 2 and 3 bedroom homes will be achieved. The PC suggest, in response to my Question 9, that 'prioritised' should be replaced by 'supported'. I agree that this adds necessary clarity to the policy and recommend accordingly in **PM4**.
- 4.26 Appendix A (page 41) identifies an indicative housing requirement of 12 dwellings for 2021 – 2038. This figure has been re-calculated to 11

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<sup>23</sup> View at: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-council-planning-policy/neighbourhood-plans-in-dorset/cerne-valley-neighbourhood-plan>

dwellings (see response from DC to my Question 4) but DC is content for the figure of 12 to be retained and I agree, because the difference is not significant.

- 4.27 Policy BWKM 4 has regard to national policies and advice and meets all the other Basic Conditions.

#### [Other Development Policies \(Chapter 7: page 33\)](#)

- 4.28 Policy BWKM 5 Lighting Schemes (page 34) requires details of proposed lighting to be submitted with applications for development where appropriate. This will ensure that impacts of lighting on amenity, settlement character and dark skies are fully taken into account.
- 4.29 The Cranborne Chase National Landscape Partnership<sup>24</sup> suggests a number of relatively detailed additional criteria to policy BWKM5, for example relating to motion sensors and the fitting of integral blinds or louvres. Both the PC and DC consider these suggestions to be extensive changes which are not necessary to meet the Basic Conditions and I agree. I am satisfied that policy BWKM 5 is sufficiently detailed and sets out with clarity what is expected in this regard.
- 4.30 Policy BWKM 6 Sustainable and Energy Efficient Buildings (page 35) establishes the necessary requirements for such buildings to be constructed. It is consistent with NDLP policy 3: Climate Change, which states that 'Neighbourhood Plans will be required to consider local community actions that will help to mitigate and adapt to climate change'.
- 4.31 Policies BWKM 5 and BWKM 6 contribute to the achievement of sustainable development and meet all the other Basic Conditions.

#### [Green Infrastructure \(Chapter 8: page 36\)](#)

- 4.32 Policy BWKM 7 designates 4 Important gaps which are shown on Figure 2 and Figure 4 and policy BWKM 8 designates 2 Local Green Spaces (LGS). LGS designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land (NPPF, Paragraph 106). LGS should also be capable of enduring beyond the end of the plan period (NPPF, Paragraph 105).
- 4.33 I visited the proposed Important Gaps and the two areas of Local Green Space, and I agree with the PC that they make a valuable contribution to the character of the Parish. No objections to the designations have been submitted and I am satisfied that policy BWKM 7 Important Gaps and

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<sup>24</sup> Formerly referred to as the *Area of Outstanding Natural Beauty (AONB) Partnership*.  
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policy BWKM 8 Local Green Space (page 37) are justified and are consistent with NDLP policy 15: Green Infrastructure. I am also content that the LGS meet the national policy criteria set out in paragraph 4.32 above. The policies are in conformity with the strategic policies of the Development Plan for the area and, therefore, meet the Basic Conditions.

#### Monitoring, Delivery and Review (Chapter 9: page 39)

- 4.34 The implementation, monitoring and review of the BWKMNP are very important components of the plan making process. This chapter confirms that the Parish Council is committed to active monitoring and periodic review. However, there is no indication of how frequently the document will be reviewed. In the interests of the achievement of sustainable development I recommend, in **PM5**, that the text makes it clear that any such review might appropriately take place at least every five years.<sup>25</sup>

#### Minor Amendments

- 4.35 There are a small number of amendments suggested by the Parish Council (see PC response to my Question 13), including updates; making reference to the Ring and Ride service; the inclusion of references to the Sustainability Checklist; and amendments to paragraphs 134-136 (describing the field to the rear of Green Lane and Church Street).
- 4.36 Similarly DC has raised a small number of minor matters in its Regulation 16 response (representation No 10). This includes clarification in paragraph 136 regarding the relevant compass points.
- 4.37 Whilst I support the suggested aforementioned minor changes, I consider that none of these would materially affect the policies of the Plan. Therefore, they are not essential to ensure that the Basic Conditions are met. However, minor amendments to the text such as these can be made consequential to the recommended modifications, alongside any other minor non-material changes<sup>26</sup>, factual up-dates, or corrections in agreement between the Parish and Dorset Councils.

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<sup>25</sup> NPPF, Paragraph 33 reflects the statutory requirement in relation to Local Plan review, which is every 5 years.

<sup>26</sup> PPG Reference ID:41-106-20190509.



## 5. Conclusions

### Summary

- 5.1 The Buckhorn Weston and Kington Magna Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether or not the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to make a small number of modifications, thus ensuring that the Plan meets the Basic Conditions and other legal requirements. I recommend that the BWKMNP, once modified, proceeds to referendum.

### The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. I conclude that the Neighbourhood Plan (as recommended to be modified) has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond that boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### Overview

- 5.4 The Parish of Buckhorn Weston and Kington Magna enjoys an attractive setting and displays a range of valued features. Although there are a limited number of community facilities and services within the Parish, I am confident that the local community will continue to support appropriate local initiatives to improve the level of sustainability in accordance with the Vision and Objectives for the area, as set out on page 20 of the BWKMNP.
- 5.5 The Parish Council has worked hard in preparing a Neighbourhood Plan which will provide protection for valued elements of the Parish whilst ensuring that any new development respects and, where possible, improves the character and setting of the Parish.

*David Hogger*

Examiner

## Appendix: Modifications (5)

### Notes:

Additions are shown in **bold** and deletions denoted with ~~strikethrough~~.

Page references are those in the submitted Buckhorn Weston and Kington Magna Neighbourhood Development Plan.

In the interests of brevity, where whole paragraphs have been deleted, the modification refers to the deletion of all the text.

<b>Proposed modification number (PM)</b>	<b>Page no./other reference</b>	<b>Modification</b>
PM1	Throughout the document	Refer to the December 2023 version of the NPPF and update paragraph references where they have changed (see for example, paragraph 4.6 of my report for an indication in this regard).
PM2	Pages 16 – 18 Paragraphs 41 to 62	Delete <u>all</u> of paragraphs 41 to 62 and replace with:  <b>41. Engagement of the local community is regarded as essential in developing a vision and objectives for the future development of neighbourhoods and to provide the detailed information to support non-strategic policies that can make a difference to localities.</b>  <b>42. The preparation of the Buckhorn Weston and Kington Magna Neighbourhood plan has been supported by engagement and consultation in a variety of forms and at several stages as the Plan has developed. These are summarised in the detailed Consultation Report which has been prepared to support the Plan.</b>

PM3	Page 21 Paragraph 75	Add to paragraph 75: <b>The restrictive countryside policies do not apply to land within a settlement boundary but any development proposals in such areas will be expected to meet the requirements of policy BWKM 3.</b>
PM4	Page 32 Policy BWKM 4	Modify the policy to read: Within the Settlement Boundaries of Buckhorn Weston and Kington Magna, planning applications for the development of two-bedroom and three bedroom homes will be <del>prioritised</del> <b>supported</b> in order to meet identified local housing needs.
PM5	Page 39 Paragraph 143	Modify the first sentence to read: The Neighbourhood Plan seeks to achieve a number of things which will require further actions, active monitoring and periodic review <b>every five years</b> to determine whether objectives and policies are being achieved and observed.