

# Decision Statement

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On behalf of Dorset Council, 25 February 2020

Dorset Council is satisfied that the Portland Neighbourhood Plan as modified meets the basic conditions, is compatible with the Convention rights, and complies with the definition of a neighbourhood development plan.

**The Portland Neighbourhood Plan 2017 – 2031 as modified can proceed to referendum.**

## Background

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The Portland Neighbourhood Area was designated by the former Weymouth and Portland Borough Council on 5<sup>th</sup> November 2013. The qualifying body is confirmed as Portland Town Council.

On 1<sup>st</sup> July 2019 Portland Town Council submitted the draft Portland neighbourhood plan and supporting material to Dorset Council. Dorset Council were satisfied that the documents submitted met the requirements of Regulation 15 of the 'Regulations'. Portland Town Council were notified of the Councils conclusion and informed that the plan could proceed to examination.

The submitted documents were made available for consultation from 15 August 2019 until 9 October 2019, and independent examiner Mrs Mary O'Rourke, was appointed. The examiner's report was received on 21 January 2020.

In summary, the examiner's report concluded that the Portland Neighbourhood Plan would meet the Basic Conditions and other legal requirements, subject to the modifications as set out in **Appendix A** of this decision statement.

The neighbourhood plan has been amended to include the modifications recommended by the examiner and minor formatting amendments.

Dorset Council considered each of the recommendations and modifications contained in the examiner's report and agreed the amendments in an Executive Decision Statement 25 February 2020. In considering the conclusions of the independent examiner, the Council agreed that the legal requirements and basic conditions had been met.

The council is therefore satisfied that the plan as amended...

- (i) meets the basic conditions (as set out in Schedule 4B to the Town & Country planning Act 1990); and
- (ii) is compatible with the Convention rights (within the meaning of the Human Rights act 1998); and

- (iii) complies with the provision concerning Neighbourhood Development Plans made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004, and

...can now proceed to a referendum.

## The area covered by the Portland Neighbourhood Plan

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The neighbourhood plan area covers the parish of Portland only.

## Details of the Neighbourhood Plan Referendum

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The independent examiner considered that it was appropriate for the referendum to be held over the neighbourhood area.

The referendum will therefore be held over the neighbourhood area; the same area as the parish of Portland.

Regulations linked to the Coronavirus Act 2020 mean that no elections or referendums can take place until 6 May 2021. This includes neighbourhood planning referendums. These provisions will be kept under review and may be amended or revoked in response to changing circumstances.

## Where to find more information...

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Copies of this decision statement, the Examiner's Report and the Portland Neighbourhood Plan can be viewed online at <https://www.dorsetcouncil.gov.uk/portland-neighbourhood-plan>

The regulations linked to the Coronavirus Act 2020 can be viewed online at <http://www.legislation.gov.uk/uksi/2020/395/contents/made>

Updated planning guidance on neighbourhood planning can be viewed online at <https://www.gov.uk/guidance/neighbourhood-planning--2# covid-19>

*A copy of this statement is automatically sent to the Town Council who submitted the plan and anyone who responded to the consultation on the submission version of the Portland Neighbourhood Plan.*

## Appendix A: Modifications / Recommendations from Examiner's report

### Appendix: Modifications

Below are the recommendations and modifications taken from the Examiner's report.

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Paragraph 3.18	Additional text to be included in the Plan after paragraph 3.18 to explain that i) the Mineral Safeguarding Area is the same as the Mineral Consultation Area, ii) within this area non-minerals development will be resisted if it appears likely to sterilise mineral resources, or hinder future mineral development, and iii) the Mineral Planning Authority will be consulted over any non-mineral development within the Mineral Safeguarding Area.
PM2	Paragraph 3.2 and footnote 3	Update the text to refer to the February 2019 NPPF.
PM3	Paragraph 3.10	Delete the first sentence of paragraph 3.10.  Add a new paragraph as follows:  <b><i>'The West Dorset, Weymouth and Portland Local Plan Review is no longer being taken forward, but work has commenced on a new local plan for the Dorset Council area, which is scheduled to be adopted by 2024. Dorset Council intends to use all work carried out on the Local Plan Review, where possible, to shape the new Dorset Council Local Plan.'</i></b>
PM4	Paragraph 3.17	Delete the penultimate sentence and replace with the following:  <b><i>'The policies of the Neighbourhood Plan must be in general conformity with the Bournemouth, Dorset and Poole Minerals Strategy (2014), the Minerals Sites Plan (2019) and the Waste Plan (2019).'</i></b>
PM5	Paragraph 5.14	In line 3 after 'BE6' add 'and ST1'.  In line 7 delete 'Draft Final' and in line 8 change 2018 to 'August 2019'.
PM6	Page 20	Delete the wording of policy EN0 and replace with the following:  <b><i>'Proposals that will adversely affect the integrity of European sites will not be supported. Any</i></b>

		<b><i>development brought forward regarding the Northern Arc or enhancement of the piers must ensure that it can be implemented without any adverse effect upon the integrity of the European sites.'</i></b>
PM7	Pages 22 and 24	In policy EN1, line 1 add the words ' <b><i>South Devon and Dorset</i></b> ' before ' <i>Shoreline ...</i> ' and in line 3 delete the word ' <i>usually</i> '.  Amend footnote 23 to refer to the South Devon and Dorset Shoreline Management Plan (SMP2): Durlston Head to Rame Head (June 2011).  Update the location references and policy recommendations in paragraph 7.17 to be consistent with those of the SMP2.
PM8	Page 25	In policy EN2 delete the following words:  In line 2 from ' <i>the proposals do not</i> ' to ' <i>(as amended) and</i> '.  The penultimate part, starting ' <i>Proposals for wind farms and .....</i> '.
PM9	Page 26	Delete paragraph 7.26 and replace with the following:  <b><i>'National planning policy asserts that applications for wind energy development will only be allowed if the development site is identified as suitable for wind energy in either a Local Plan or Neighbourhood Plan. We will work with the local planning authority as it prepares the Dorset Local Plan to consider whether there are suitable locations and a way of harnessing wind energy satisfactorily on a commercial scale on Portland.'</i></b>  Delete the first sentence of paragraph 7.27.
PM10	Page 25	In paragraph 7.24 line 8 before the sentence beginning 'Policy Port/EN2 ....' add the following:  <b><i>'In the summer of 2019, Portland Town Council declared a climate and ecological emergency and supports the need to move towards being carbon neutral.'</i></b>
PM11	Paragraph 7.29	Amend the last sentence to read:  <b><i>'It was first suggested in the late 1990s and was then brought forward as an Olympic Legacy Project.'</i></b>
PM12	Page 26	In policy EN3 v. delete the words ' <i>and compensation</i> ' and ' <i>in accordance with Local Plan policy ENV2</i> '.

PM13	Paragraph 7.33	In line 7 after 'operational' add <b>'and the remaining resource should not be unnecessarily sterilised'</b> .  In the last sentence after 'long term', add <b>'and proposals should not compromise the extraction of safeguarded stone'</b> .
PM14	Paragraphs 7.35 and 7.36	In paragraph 7.35 change Port/EN4 to Port/EN3.  In paragraph 7.36 change Dorset County Council to Dorset Council.
PM15	Page 29	In policy EN4 delete the first sentence from 'enables' to 'supported' and replace with <b>'and which enable the asset to be used in a manner commensurate with its heritage significance will be supported'</b> .
PM16	Paragraph 7.39	Change Policy PORT/EN5 to PORT/EN4.
PM17	Paragraph 7.54	Add at the end of the paragraph the following:  <b>'There are also relevant landscape and townscape policies ENV10 and ENV11 in the Local Plan.'</b>
PM18	Page39	On Map 10 extend PORT7 to include the Parade Ground.
PM19	Paragraph 8.11	In line 3 before the words 'With a limited supply' add the following:  <b>'Outside key employment sites, Local Plan policy ECON3 protects other employment sites from redevelopment for non-employment uses.'</b>
PM20	Page 38	Reword policy BE1 as follows:  <b>'Outside the Key Employment Areas shown on Map 10, development proposals that would result in the loss of existing employment sites or premises, should demonstrate that:</b>  <b>i. There is no viable alternative employment or community use; and</b> <b>ii. that the site or premises have been vacant for at least 18 months, during which time it has been actively marketed at the current market rate.'</b>
PM21	Page 46	In policy HS1 delete the words <i>'by referring to an up to date assessment of housing need on Portland'</i> .
PM22	Paragraph 9.10	Delete the third and last sentences of paragraph 9.10. After the words 'and will require regular re-assessment', add the following:  <b>'The most recent assessment of local housing</b>

		<i>need should be used as the ‘starting point’ for judging the acceptability of the housing mix on any specific site. In making any judgement on this matter, consideration will also be given to whether the assessment remains relevant, and whether there are any particular strategic or local circumstances that may justify a different housing mix.’</i>
PM23	Paragraph 9.16	Delete the last two sentences of paragraph 9.16.
PM24	Page 47	Change the title of policy HS2 to read:  <b>Affordable Housing</b>  Criterion iii. d. Substitute policy Port/EN7 for policy Port/EN8  Criterion iii. f. Delete ‘ <i>and principle residency clauses are in place</i> ’ and replace with ‘ <b>clause is in place</b> ’.  Delete criteria iii. g. and h.  Delete the line ‘ <i>and, in perpetuity, for all affordable dwellings:</i> ’.
PM25	Pages 48 and 49	Delete policy HS3 and its supporting text at paragraphs 9.17 to 9.22.
PM26	Page 50	Delete policy HS4 and its supporting text at paragraphs 9.23 to 9.26.
PM27	Page 69	In the second sentence of policy ST1, delete ‘ <i>the settlement boundary</i> ’ and replace with ‘ <b>settlements</b> ’.
PM28	Page 54	In the first part of policy TR3 delete from ‘ <i>the prevailing ...</i> ’ to ‘ <i>COM9</i> ’ and replace with ‘ <b>the Local Plan parking standards</b> ’.
PM29	Page 56	Reformat policy SS1 as follows:  A. to include the policy on local centres; and B. to include the policy on neighbourhood centres including the paragraph beginning ‘the loss of existing business premises...’ etc.  Delete the sentence beginning ‘ <i>Any proposals that result in the loss of existing ...</i> ’.  Delete the sentence beginning ‘ <i>Proposals for any new or replacement shop fronts...</i> ’.
PM30	Paragraphs 11.5 and 11.6	In paragraph 11.5 line 3, delete the words ‘local centres’ and’.  Following the words ‘Map 12.’, delete the rest of

		paragraph 11.5. In paragraph 11.6, delete the first two sentences.
PM31	Page 60	In policy CR1 delete ' <i>Royal Manor School Tennis Courts and Sports Field</i> ' and remove the site from Map13.
PM32	Paragraph 12.17	In line 4, delete Weymouth and Portland Borough Council and replace with Portland Town Council.
PM33	Page 65	In policy CR4 delete the words ' <i>in very special circumstances</i> '.