

Cabinet

5 May 2020

Making of the Bridport Area Neighbourhood Plan 2020 to 2036

For Recommendation to Cabinet

Portfolio Holder: Cllr D Walsh, Planning

Local Councillor(s): Cllr Dave Bolwell, Cllr Calvin Clayton & Cllr Sarah Williams

Executive Director: John Sellgren, Executive Director of Place

Report Author: N Cardnell

Title: Senior Planning Officer

Tel: 01305 838263

Email: nick.cardnell@dorsetcouncil.gov.uk

Report Status: Public

Recommendation:

The following recommendations are made:

- a) That the council make the Bridport Area Neighbourhood Plan (as set out in **Appendix A**) part of the statutory development plan for the Bridport Neighbourhood Area;
- b) That the council offers its congratulations to Bridport Town Council and the Joint Council Committee in producing their neighbourhood plan.

Reason for Recommendation:

To formally adopt the Bridport Area Neighbourhood Plan as part of the statutory development plan for the Bridport Neighbourhood Area. In addition, to recognise the significant amount of work undertaken by the Joint Council Committee in preparing the neighbourhood plan, congratulating them on their success.

1. Executive Summary

The Bridport Area Neighbourhood Plan has recently been subject to independent examination and a successful referendum. The purpose of this report is to make the Bridport Area Neighbourhood Plan part of the development plan for use in planning decisions in the Bridport Neighbourhood Area (the parishes of Allington, Bothenhampton & Walditch, Bradpole, Bridport and Symondsburry).

2. Financial Implications

When neighbourhood plans are successful at examination and a referendum date has been set, the council becomes eligible for a grant of £20,000. This grant is intended to cover the costs associated with the council's input into the production of a neighbourhood plan including the costs associated with the examination, referendum and the printing of the final plan.

3. Climate implications

The Plan has been prepared in accordance with national planning policy which seeks to deliver sustainable development through planning decisions including adaptation to and mitigation of climate change. This neighbourhood plan will be used in planning decision in the neighbourhood area.

4. Other Implications

Planning decisions are to be made in accordance with the adopted development plan, unless other material considerations indicate otherwise. The neighbourhood plan forms part of the development plan for the Bridport Neighbourhood Area (the parishes of Allington, Bothenhampton & Walditch, Bradpole, Bridport and Symondsburry) alongside the adopted West Dorset, Weymouth & Portland Joint Local Plan. However policies contained in the Bridport Area Neighbourhood Plan will take precedence over the non-strategic policies in the adopted local plan when decisions are being made on development proposals within the Bridport Neighbourhood Plan Area.

5. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW

Residual Risk: LOW

A legal challenge could theoretically be made in relation to the way consultation was conducted, the way the referendum was held or if council were to decline to make the plan (unless it was considered that making the plan would breach or otherwise be incompatible with any EU obligation or any human rights obligations).

6. Equalities Impact Assessment

Part of the role of the independent examiner is to consider whether the neighbourhood plan would breach, or otherwise be incompatible with the European Convention on Human Rights. The examiner was satisfied that the neighbourhood plan meets this requirement.

7. Appendices

Appendix A: Referendum version of the Bridport Area Neighbourhood Plan

Appendix B: draft adoption decision statement

8. Background Papers

Documents relating to the Bridport Area Neighbourhood Plan are available at <https://www.dorsetcouncil.gov.uk/bridport-area-neighbourhood-plan>

9. Background and Reason Decision Needed

9.1 In April 2019, Bridport Town Council submitted the draft Bridport Area Neighbourhood Plan and supporting evidence to Dorset Council. The neighbourhood plan was subject to significant public consultation during early stages of its production. Dorset Council was satisfied that the documents submitted met the requirements of Regulation 15 of the 'Regulations'. Bridport Town Council were notified of the Council's conclusion and informed that the plan could proceed to examination. The submitted documents were made available for consultation from 17 May 2019 until 28 June 2019.

9.2 The council subsequently made arrangements for an independent examination of the plan in line with The Neighbourhood Planning (General) Regulations 2012. The examiner's final report was received in October 2019 suggesting that, subject to modifications to enable the plan

to meet the basic conditions and other legal requirements, it should proceed to referendum.

- 9.3 The Council agreed to accept all of the Examiners recommendations made within her report in an Executive Decision Statement 27 November 2019 but with the exception of two modifications to Policy H3. These modifications were with the agreement of the Joint Councils Committee (JCC).
- 9.4 Policy H3 has been re-titled 'Affordable Housing Exceptions Sites' rather than 'Rural Exceptions Sites and Entry Level Exception sites'.
- The title and policy text of Policy H3 has been modified to remove reference to 'Rural Exception Sites' to ensures Policy H3 remains in general conformity with the strategic polices of the Adopted West Dorset, Weymouth & Portland Local Plan 2015; Policy HOUS2: Affordable Housing Exception Sites.
 - The title and policy text of Policy H3 has also been modified to remove reference to 'Entry Level Exception Sites' to ensure Policy H3 has regard to National Policy and advice. NPPF, Paragraph 71 (b), footnote 34 clarifies that Entry-level exception sites should not be permitted in Areas of Outstanding Natural Beauty (AONB), such as the Bridport Area.
- 9.5 Dorset Council issued its decision which was in agreement with the examiner's findings, with the exception of the two modifications to Policy H3 and that the plan as modified should proceed to referendum. The relevant referendum material was prepared and publicised including:
- a summary of representations submitted to the examiner;
 - the examiner's report;
 - The Bridport Area Neighbourhood Plan as proposed (see **Appendix A**);
 - the decision statement, which includes a statement by the local planning authority that the plan as proposed meets the basic conditions; and
 - the information statement, which contains general information as to town and country planning including neighbourhood planning and the referendum.

Referendum

- 9.6 The referendum was held on the 27 February 2020 with the area covered by the referendum being the Bridport Neighbourhood Plan Area (the parishes of Allington, Bothenhampton & Walditch, Bradpole, Bridport and Symondsburry). This is the same area to which the neighbourhood plan applies. From an electorate of 12,294 there was a turnout of 2,146 (17.5%). The result of the referendum were that 1,861 people (87%) voted in favour of the plan with 280 people (13%) voting against.
- 9.7 Where a referendum results in more than half those voting, voting in favour of the proposal, the council must make (i.e. adopt) the plan as soon as reasonably practical unless it considers that this would breach, or be incompatible with any EU obligation or any of the Convention Rights.
- 9.8 The Bridport Area Neighbourhood Plan, as proposed to be made, is attached as **Appendix A**. More than 50% of those voting in the referendum voted in favour of the plan. Officers are not aware of any issues that have come to light that would require the council to come to an alternative view to that reached by the independent examiner on the plan's acceptability and compliance with legal obligations.
- 9.9 The council must publish its decision and reasons on its website and send copies to Bridport Town Council and anybody who asked to be notified. A draft of the adoption decision statement is attached at **Appendix B**.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.