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# **Report on Sutton Poyntz Neighbourhood Plan 2016 - 2036**

**An Examination undertaken for Dorset Council with the support of the Weymouth Town Council on the May 2019 submission version of the Plan.**

Independent Examiner: Mary O'Rourke BA(Hons) DipTP MRTPI

Date of Report: 2 October 2019

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## **Main Findings - Executive Summary**

From my examination of the Sutton Pointy Neighbourhood Plan (the Plan) 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 by a qualifying body, the Sutton Poyntz Neighbourhood Forum. As a result of recent extensive local government re-organisation the Plan was submitted by the replacement qualifying body, Weymouth Town Council;
- The Plan has been prepared for an area properly designated – the neighbourhood area marked on the map on page 7 of the Plan;
- The Plan specifies the period to which it is to take effect – 2016 to 2031<sup>1</sup>; 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**

### *Sutton Poyntz Neighbourhood Plan 2016 – 2036 (as submitted)*

1.1 The village of Sutton Poyntz lies some 3 miles east of Weymouth and 5 miles to the south east of Dorchester. It is set in a secluded valley beneath the south Dorset chalk escarpment within the Dorset Area of Outstanding Natural Beauty. The area covered by the Neighbourhood Plan includes the valley drained by the River Jordan and its tributaries and the surrounding horseshoe of chalk downland to the north of the A353. Other than open farmland to the west and east, most of the Plan area lies within the Sutton Poyntz Conservation Area which extends south to include older parts of the village of Preston to the south of the A353. With the encroachment of recent housing development northwards along Sutton Road and Puddledock Lane, there is no established or obvious southern boundary to the village, although the main part of Sutton Poyntz has a particular character and appearance, reflective of its history and development. The Plan area does not coincide with any Office of National

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<sup>1</sup> See paragraph 3.4 below and PM1 in the Appendix.

Statistics geographical area, making accurate reference to 2011 Census data difficult, however evidence from the local Sutton Poyntz Society is that there are currently around 466 people living in the Plan area, in 221 households<sup>2</sup>.

- 1.2 In late 2015, the Sutton Poyntz Society approached the then Weymouth and Portland Borough Council to discuss the possibility of preparing a neighbourhood plan for the village. At that time, Sutton Poyntz did not lie within an administrative parish or town council area and the Society, active in the village since 1968 and with 295 members<sup>3</sup>, was advised (subject to certain changes to its constitution) to apply for designation as a non-parish neighbourhood forum. In early 2016 local residents were canvassed by the Society on the extent of the Neighbourhood Plan Area. As originally proposed, it aligned with the District/Borough boundary on the west, north and eastern sides but with the boundary to the south being less obvious, this was drawn to include most of the Important Open Gap (as defined in the Borough's Local Plan) and subsequently extended, following consultation and representations by local residents, to include 16 houses in Puddledock Lane and its side roads which have Sutton Poyntz post codes. In May 2016, the Sutton Poyntz Society applied for designation as a neighbourhood forum and a neighbourhood plan area. Following public consultation and consideration of the representations made, formal approval was given in September 2016 by the Borough Council to the Neighbourhood Plan Area and to the Society as the qualifying body to prepare the Neighbourhood Plan.
- 1.3 A Steering Group was then established by the Sutton Poyntz Society, consisting of both Society members and non-members, to progress the Plan-making process with sub-groups set up to address specific topic areas. The Consultation Statement, which accompanied the May 2019 submission version of the Plan, details the stages in the Plan's preparation and the results of consultations with residents, local landowners, businesses and other stakeholders.
- 1.4 Weymouth has been the subject of recent extensive local government re-organisation, with the creation of Dorset Council, as a unitary authority, and Weymouth Town Council, whose area includes Sutton Poyntz. Thus, the legal position is that, as of 1 April 2019, the designation of the Sutton Poyntz Society as a qualifying body ceased to have effect and responsibility for the Neighbourhood Plan passed to the newly formed Weymouth Town Council<sup>4</sup>.

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<sup>2</sup> Response to question 9 annexed to my procedural letter of 14 August 2019.

<sup>3</sup> Of which 253 lived in the village (Consultation Statement page 5).

<sup>4</sup> See response from Dorset Council and Weymouth Town Council to question 1 annexed to my procedural letter of 14 August 2019.

### *The Independent Examiner*

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Sutton Poyntz Neighbourhood Plan by Dorset Council (DC) with the agreement of Weymouth Town Council (WTC).
- 1.6 I am a chartered town planner and former government Planning Inspector, with some 40 years of experience in the public and private sector, more recently determining major planning appeals and examining development plans and national infrastructure projects. I have previous experience of examining neighbourhood plans. 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*

- 1.7 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.
- 1.8 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';
  - 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; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').

1.9 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*

1.10 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; and
- Meet prescribed conditions and comply with prescribed matters.

1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirements of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 (the 2017 Regulations)<sup>5</sup>.

## **2. Approach to the Examination**

<sup>5</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.

## *Planning Policy Context*

- 2.1 The Development Plan for this part of Dorset Council, not including documents relating to excluded minerals and waste development, is the West Dorset, Weymouth and Portland Local Plan 2015, which guides development in the area to 2031. There is an accompanying Background Document on the Local Plan's Policies Map, prepared in 2015, which states that it *'provides background information for local designations such as Conservation Areas, Land of Local Landscape Importance and Important Open Gaps. Where appropriate it also includes reasons for designation to aid in the interpretation of the Local Plan and Policies Maps. All designations mentioned in this background information are shown on the Policies Maps'*.
- 2.2 On 25 June 2019, the Dorset Council cabinet agreed to stop progressing work on reviews of the Local Plans of the former District Councils<sup>6</sup>, and to begin work on a new Dorset-wide Local Plan. This is at a very early stage in the plan preparation process with the Local Development Scheme indicating that it will not be submitted for examination until early 2022, with adoption in 2023.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The NPPF of July 2018, and later revision of February 2019, replaces the first NPPF published in March 2012. It is clear from paragraph 214 that this Neighbourhood Plan is to be tested against the revised NPPF. The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

## *Submitted Documents*

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Sutton Poyntz Neighbourhood Plan, [May 2019];
  - the map on page 7 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, [May 2019];
  - the Basic Conditions Statement, [February 2019];
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the Strategic Environmental Assessment Screening Report prepared by Weymouth and Portland Borough Council [November 2018].

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<sup>6</sup> With the exception of the Purbeck Local Plan 2019-2034 which is currently at examination.



- 2.5 In addition, I have had regard to the responses from DC, WTC and the Sutton Poyntz Society to my letter and questions of 14 August 2019<sup>7</sup>.

#### *Site Visit*

- 2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 22 August 2019 to familiarise myself with it, and to visit relevant sites and areas referenced in the Plan and evidential documents.

#### *Written Representations with or without Public Hearing*

- 2.7 This examination has been dealt with by written representations. I have noted the requests to hold hearings. However, 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 referendum.

#### *Modifications*

- 2.8 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 Neighbourhood Plan for Sutton Poyntz has been prepared in unusual circumstances. An application to the then Weymouth and Portland Borough Council was made by the Sutton Poyntz Society to be designated as a neighbourhood forum and was accepted in September 2016.
- 3.2 The Foreword and Section 1 of the Plan explains that since that designation, WTC, covering the Plan area, has been established. Whilst the Sutton Poyntz Society was the original qualifying body, and prepared the Plan, it is submitted for examination by WTC.
- 3.3 It is the only neighbourhood plan for Sutton Poyntz and does not relate to land outside the designated Neighbourhood Plan Area<sup>8</sup>.

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<sup>7</sup> View at: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/west-dorset-and-weymouth-portland/neighbourhood-planning/neighbourhood-plans/sutton-poyntz-neighbourhood-plan.aspx>

<sup>8</sup> See paragraph 4.4 below in respect of additional text proposed to clarify that the Plan policies would not apply beyond the Neighbourhood Plan Area and not to the wider Weymouth area.

## *Plan Period*

- 3.4 The title page of the Plan specifies that it is to be effective from August 2016 to February 2036, a period of 20 years. In response to my question, DC has set out its understanding that the Plan's end date of 2036 was intended to align with that of the emerging West Dorset, Weymouth and Portland Joint Local Plan Review, which is no longer being progressed. DC has begun work on a new Dorset-wide Local Plan, but it has yet to agree a plan period. The period of a neighbourhood plan can vary, depending on how the community wants to see the area develop<sup>9</sup>. However, it is clear from paragraph 1.4 that the Plan period is intended to align with that of the Local Plan. As that is still the West Dorset, Weymouth and Portland Local Plan with an end date of 2031, I am modifying the Plan to change its end date to 2031 to align with the extant Local Plan (**PM1**) and to amend the date in paragraph 1.4.

## *Neighbourhood Plan Preparation and Consultation*

- 3.5 The Consultation Statement (May 2019) provides details of the public engagement that took place in the evolution of the Plan. Preliminary consultation took place early in 2016 with the distribution of a newsletter to 393 households on the intention to produce a neighbourhood plan, to seek views on the proposed boundaries of the Plan area, and to elicit support from volunteers from the whole community to help produce the Plan. Of the 20 responses received, the majority addressed the possible exclusion of households at the end of Puddledock Lane and Sutton Road, and subsequent revisions were made to the Plan area. Following designation of the Sutton Poyntz Society as a neighbourhood forum, and approval of the Neighbourhood Plan area, an initial steering group was formed which held monthly meetings. Membership of the Steering Group changed during the course of the Plan preparation period, with sub-groups formed to deal with particular topics. Details of meetings, which were open to everyone to attend and speak at, were made available on the Society's website with agendas, minutes and evidence documents as they were produced. Through the period preparing the Plan, as well as on the website, information on meetings and other events were displayed on the village notice boards and posters placed around the area.
- 3.6 Following designation of the Forum and Neighbourhood Plan Area, in October 2016 a newsletter setting out the neighbourhood plan process and a Stage One survey form was delivered to 230 households in the area and emailed to other stakeholders. In addition, two open days were held in the Mission Hall for villagers to learn more about the Plan, talk to Steering Group members and give their views on the content of the Plan. Sixty-six visitors attended, leaving over 400 'post it' notes detailing ideas, concerns and suggestions, and 77 survey forms were completed and returned. Key issues raised included concerns about protecting key views, trees, hedges and the village pond, co-operating with landowners and

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<sup>9</sup> PPG Reference ID: 41-003-20190509.

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environmental groups to conserve habitat, protecting heritage sites, retaining the village's character and ensuring new housing fitted in, improving community facilities, encouraging small businesses and parking issues.

- 3.7 A further newsletter, setting out the key issues identified, was circulated in March 2017 and the Steering Group held a drop-in coffee morning the same month, attended by 38 people, to discuss the Stage One Survey results and the next steps to be taken. Further consultation was undertaken in December 2017 and January 2018 with villagers and other stakeholders informed of the draft Place Appraisal and where it could be obtained and/or read, and invited to complete a Stage Two Survey form and a Housing Needs survey. To promote the survey, an open forum was held early in December as part of the regular village coffee morning schedule, attended by 52 people. Whilst only 13% of the 245 Housing Need Survey forms were returned, those households without housing needs were not required to return the form. However, just over half the 533 Stage Two Survey forms distributed were returned.
- 3.8 A summary of the consultation results was circulated in April 2018 with significant support for the inclusion in the Plan of policies on flooding, green corridors, local green spaces, heritage assets and some limited housing. However, this summary excluded responses on the lists of heritage assets, key views and local green spaces because of concerns expressed by several landowners and residents on the basis for their inclusion within the Stage Two Survey. Further work on these topics was commissioned from independent consultants and made available to landowners for comment and feedback, which were then used to inform the draft policies in the Regulation 14 consultation version of the Plan. As well as discussions at Steering Group meetings, individual meetings were held with landowners, and in October 2018 there was an open meeting for the owners of properties proposed in the Heritage Report to be listed as heritage assets. Whilst landowners have expressed their disappointment that they were not contacted at an early stage by the qualifying body about proposals to designate any part of their land as local green space, as is advised in the PPG, I am satisfied that they were subsequently given the opportunity to discuss the draft proposals and have made representations on the Plan.
- 3.9 Formal Regulation 14 consultation on the draft Plan was held between 8 November and 24 December 2018. Local residents were made aware of this through a newsletter delivered to each residential and business property in the Plan area, posters, posts on the Society's website, as well as by email. The Plan was made available on the Society's website, with hard copies distributed to the Springhead public house, Preston Church, the Mission Hall and the village telephone box. Two afternoon walk-in sessions were held at the Mission Hall to provide an opportunity for people to read the draft Plan and to discuss it with Steering Group members. In addition, an electronic copy of the draft Plan was sent to contacts, including statutory and non-statutory stakeholders. Some 19 members of

the public attended the Mission Hall sessions and 37 electronic and hard copy responses were received as a result of the consultation. Annexes T and U to the Consultation Report summarise the responses received and the Report on page 18 sets out the key changes to the draft Plan as a result, including moving the heritage assets policy to the section on community aspirations and including an amended text on management and monitoring to reflect the (then) imminent changes to local government.

- 3.10 The submitted Neighbourhood Plan was subject to a further 6-week consultation between 31 May and 12 July 2019 under Regulation 16, and I have taken account of the 20 representations received in writing this report, as well as the Consultation Statement. Some representors have been critical of the consultation carried out, for example holding events and meetings on weekday mornings and the late availability or lack of background evidence to support some policies. I deal with supporting evidence when I discuss the Plan's policies but in terms of the numbers reached by the newsletters and surveys, I consider that the Steering Group did seek to engage and consult with the wider community and interested parties through the Plan making process. Further I am satisfied that local residents and other stakeholders were kept informed of what was being proposed, were able to make their views known, had opportunities to be actively involved in shaping the emerging Plan, and would have been aware of how their views had informed the draft Plan. In that respect, therefore, I conclude that a transparent, fair and inclusive consultation process was followed, having sufficient regard to the advice in the PPG on plan preparation and in procedural compliance with the legal requirements.

#### *Development and Use of Land*

- 3.11 The Plan sets out policies in relation to the development and use of land in accordance with section 38A of the 2004 Act.

#### *Excluded Development*

- 3.12 The Plan does not include provisions and policies for 'excluded development'.

#### *Human Rights*

- 3.13 I have to consider whether the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. Dorset Council has assessed<sup>10</sup> that the Plan including its preparation does not

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<sup>10</sup> Email to IPE from Nick Cardnell, Dorset Council dated 6.9.19 at 10.11 hours.  
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breach, and would not otherwise be incompatible with, any EU obligation<sup>11</sup> or any of the Convention rights (within the meaning of the Human Rights Act 1998). I have considered this matter independently and I have found no reason to disagree with that position.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by the former Weymouth and Portland Borough Council in November 2018. This is a legal requirement<sup>12</sup> and accords with Regulation 15(e)(1) of the 2012 Regulations. The Council found that it was unnecessary to undertake SEA and neither Historic England nor the Environment Agency disagreed with that conclusion. Having read the SEA Screening Report and considered the matter independently, I support this conclusion.
- 4.2 The Sutton Poyntz Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA). Given the lack of any sources or pathways proposed by the Plan and the distance of 1.2km between the Plan area and the closest Natura 2000 site (the Isle of Portland to Studland Cliffs Special Area of Conservation), Natural England (NE) agreed with the conclusion of the Council that the Plan is unlikely to have an adverse effect on a European site, and there is no requirement to conduct an Appropriate Assessment. On the basis of the information provided and my independent consideration, I agree that HRA is not necessary.

### *Main Issues*

- 4.3 Having regard for the Sutton Poyntz Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are 2 main issues relating to the Basic Conditions for this examination. These are:
- Whether the Plan appropriately provides for the protection and enhancement of the environment, having regard to national policy and guidance and the need to be consistent with the local planning of sustainable development;

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<sup>11</sup> Note: EU Obligations are entirely separate to the European Convention on Human Rights, which is derived from the Council of Europe.

<sup>12</sup> European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

- Whether the Plan's policies for housing, transport and sport and recreation provide an appropriate framework to shape and direct sustainable development, having regard to national policy and guidance, and are in general conformity with the strategic policies in the Local Plan.

## *Introduction*

- 4.4 The Foreword and Section 1 explain the gestation of the Plan and the key stages of consultation with the local community and other stakeholders. Additional text has been proposed by DC to be included in this introductory chapter to clearly explain that the policies of the Sutton Poyntz Neighbourhood Plan would only cover the current designated Neighbourhood Plan Area and that any future Weymouth Neighbourhood Plan would have the option to modify existing policy text. I agree that the inclusion of such text is necessary in the interests of clarity and I am proposing a modification to include the suggested text (**PM2**). I also agree with DC that an additional paragraph should be included in the introductory section of the Plan to clearly explain that the making of the Sutton Poyntz Neighbourhood Plan would not constrain the newly formed WTC from itself preparing a new Weymouth Neighbourhood Plan or in seeking to update the Sutton Poyntz Neighbourhood Plan (if made)<sup>13</sup>. In the interests of clarity, I am modifying the Plan accordingly (**PM3**).
- 4.5 Paragraph 1.7 deals with management and monitoring. However, as drafted it fails to adequately address the changes that have taken place as a result of local government re-organisation and that responsibility for the Neighbourhood Plan now rests with WTC. In particular, it is irrelevant to speculate as to what the former Borough Council might have done, or to urge the Town Council that the Society should carry out any monitoring role with 'a light touch', whatever that might mean. These are matters for the Town Council to consider and come to a view on. In the interests of clarity, and to accord with the Basic Conditions, I am modifying the Plan by the deletion of both parts of paragraph 1.7, and its replacement by new text which should be written by the Town Council setting out its proposals for monitoring the Plan<sup>14</sup> (**PM4**).
- 4.6 The Vision (set out in Section 2) is for Sutton Poyntz to be a thriving and friendly community where residents can enjoy an attractive village centre, can reach nearby shops and facilities and can easily access the beautiful surrounding countryside. Housing will better suit local needs, any new

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<sup>13</sup> The PPG Reference ID: 41-084-20190509 confirms that policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence.

<sup>14</sup> Noting that formal monitoring will be the primary responsibility of DC, given the Neighbourhood Plan will be part of its statutory Development Plan.



development will add to the village character, recreation facilities will exist, more people will work locally and traffic or parking concerns will be better managed. Seven objectives are identified which are then used to derive strategic objectives and policies under 6 main headings – Biodiversity and the Natural Environment, Employment, Business and Tourism, Getting Around, Heritage, Housing and Planning, and Sports and Recreation. Section 5 is headed Community Aspirations, described as non-planning land use issues arising from consultation during the preparation of the Plan. These are aspirations of the then qualifying body and sit outside of the statutory plan.

- 4.7 When made, the Neighbourhood Plan will form part of the Development Plan and as such, will be used by developers, local people and decision makers who will need to be confident as to which properties are within the Plan area, where particular policies apply and the boundaries of those areas. However, the maps in the Plan, for example of the Neighbourhood Plan area, the Green Corridors and Local Green Spaces, are of such a scale that it is very difficult to see their extent without either using the zoom facility, if looking at the electronic version of the Plan, or resorting to a magnifying glass. The paragraph numbering is also eccentric and does not assist the reader. In the interests of clarity and accuracy of development management decisions, I am modifying the Plan to require that all the maps are redrafted at a larger scale (**PM5**).
- 4.8 There are 14 policies that fall to be considered against the Basic Conditions. The PPG advises that a neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence, and should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared<sup>15</sup>. Policies should relate to the development and use of land. With this in mind, I now turn, in the following paragraphs, to address each of my two main issues.

#### *Issue 1 – Protection and Enhancement of the Environment*

- 4.9 Sutton Poyntz lies within the Dorset Area of Outstanding Natural Beauty (AONB), the boundary of which runs along the A353 to the south. National policy places great weight on the conservation and enhancement of landscape and scenic beauty in AONBs, as well as the conservation and enhancement of wildlife and cultural heritage<sup>16</sup>. Section 85 of the Countryside and Rights of Way Act 2000 places a statutory duty on all 'relevant authorities' to have regard to the purpose of conserving and

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<sup>15</sup> PPG Reference ID: 41-041-20140306.

<sup>16</sup> NPPF paragraph 172.

enhancing natural beauty when discharging any function affecting land in AONBs and there are relevant policies in the Dorset AONB Management Plan 2019 to 2024.

### Wildlife and Biodiversity

- 4.10 Sutton Poyntz sits below the Ridgeway and the River Jordan runs in a steep valley that descends through wet woodland and water meadows into the village on the valley floor, where it is joined by tributary streams and then flows through Preston to discharge at Bowleaze Cove. As well as a Site of Special Scientific Interest (SSSI), the Plan area has a rich and diverse variety of mid habitat and wildlife. It is national policy to minimise impacts on and provide net gains in biodiversity<sup>17</sup>, and policy BNE1 seeks to ensure that all new development addresses issues of wildlife protection and minimises any negative development impacts on biodiversity. Subject to the inclusion in BNE1.2 of the words '*and pursue opportunities for securing measurable net gains for biodiversity*', to accord with paragraph 174b of the NPPF, and replacing '*permitted*' with '*supported*', I am satisfied that BNE1.1 and 1.2 would have regard to national policy and guidance and generally conform with policy ENV2 of the Local Plan (**PM6**).
- 4.11 The NPPF and the Local Plan also recognise the importance of establishing coherent ecological networks that are more resilient to current and future pressures and Local Plan policy ENV3 supports the development of a green infrastructure network. In accord with this policy, the Neighbourhood Plan defines green corridors that run through the village (policy BNE1.3). As drafted, policy BNE1.4 would require '*a Biodiversity Appraisal and Biodiversity Mitigation Plan*' to be produced for all development proposals, with the exception of existing residential or business premises but including any size rural barn. NE has objected to the policy as being inconsistent with the risk thresholds for a Biodiversity Mitigation and Environmental Plan (BMEP), set out in the Dorset Biodiversity Appraisal Protocol<sup>18</sup>. DC has adopted the Dorset Protocol for the submission of a BMEP and has expressed similar concerns that policy BNE1.4 overly complicates an already established process. The Council's planning applications requirements<sup>19</sup> accord with the Protocol in only seeking these assessments for sites of 0.1 ha or greater, which are not already being used as a residential or business premises. I am not persuaded on the evidence that a rigorous case has been made that justifies, in the Plan area, seeking a biodiversity appraisal or BMEP for a site of less than 0.1ha. I am therefore modifying policy BNE1.4 to clarify that the requirement only applies to development sites above 0.1ha as

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<sup>17</sup> NPPF paragraphs 170 and 174b.

<sup>18</sup> Version 3 Autumn 2018.

<sup>19</sup> April 2019.



identified in the Dorset Protocol with an explanation of the Protocol to be provided in the supporting text (**PM7**).

### Local Green Space

- 4.12 Section 8 of the NPPF addresses the way planning can promote healthy communities and Local Plan policy ENV3 describes green infrastructure as a network of spaces and linkages generally valued for their wildlife, geological, landscape or historic importance and which may also have recreational value and help to reduce flood risk. Paragraph 99 of the NPPF enables local communities through local and neighbourhood plans to identify and protect green areas of particular importance to them. By designating land as Local Green Space (LGS), local communities are able to rule out new development other than in very special circumstances. Thus, policies identifying LGSs must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. They should be capable of enduring beyond the Plan period.
- 4.13 Stringent criteria on LGSs are set out in the NPPF at paragraph 100 and there is further advice on designation in the PPG. Policy BNE2 designates 11 areas as LGSs and they are identified by number on Map M-BNE2 and in the table on page 16. They are varied in character and include woodland, water meadows, river banks and fields, the mill pond, an orchard and private gardens. Whilst a list of 14 proposed LGSs was first circulated to the public as part of the Stage Two Survey, subsequently consultants were commissioned to produce an independent assessment of the candidate sites<sup>20</sup>. Having regard to this evidence and what I saw on my site visit, I am satisfied that the following spaces are local in character, but not extensive tracts of land, are demonstrably special and in close proximity to the community they serve. They should therefore be listed in policy BNE2. They are: the wet woodland alongside the River Jordan (G1), Veterans Wood (G2), the area of fen (G3) and the water meadow (G4). These sites form part of the Green Corridor above the Waterworks and are owned by Wessex Water. Also, the Mill Pond (G7) and Village Green (G8) are integral parts of the village core, have a particular local historic significance and are demonstrably special to the local community, justifying designation as LGSs. The Mission Hall Orchard (G11) is small in area, has recreational value, within the heart of the community and I am satisfied should be included as LGS.
- 4.14 The NPPF cautions that LGS designation should only be used where the criteria of paragraph 100 are met and I have carefully considered the case for including in policy BNE2 the marshy ground along Osmington Brook (G5) and the adjoining rough pasture behind the Old Stables (G6). These

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<sup>20</sup> Report prepared by Brian Wilson and Tim Gale dated 10 April 2018.

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sites form part of the river corridor running east of the village and are identified as a Green Corridor in policy BNE1. The April 2018 assessment refers to their recreational value. However, that value appears to stem in the main from use of the public right of way to Osmington, which runs across G6 and then along the side of the field to the south of G5. Advice in the PPG is that there is no need to designate linear corridors as LGS simply to protect rights of way, which are already protected under other legislation. I do not consider on the evidence presented and from what I saw on my site visit, that G5 and G6 should be designated as LGSs **(PM8)**.

- 4.15 Strong objection has been made by the owners of Herbies Garden (G9) to its designation. Described in the table on page 16 as Puddledock Allotments, the site is the private garden of residents of Puddledock Cottages which are on the other side of the lane; a not unusual arrangement in rural villages. It is described in the assessment as a small area of open land. But with the hedge restricting views into the site, it appeared to me no different in appearance (from the lane) as the side garden of The Old Dairy House. The land is already protected being within the AONB, the Sutton Poyntz Conservation Area and the Local Plan policy ENV3 designated Important Open Gap, and lies outside the defined development boundary, and, having regard to the advice in the PPG<sup>21</sup>, I do not consider that any additional local benefit would be gained by its designation as LGS **(PM9)**.
- 4.16 The land to the east (G10) also lies within the AONB and part appears to be within the Important Local Gap<sup>22</sup> and part within the Conservation Area. As far as I can tell from the mapping, it consists of the riverside which runs west from Sutton Road Bridge along the south side of Puddledock Lane, within the defined development boundary and identified in the Neighbourhood Plan as a Green Corridor. Whilst it contains some mature trees, the site is generally open allowing views from Puddledock Lane through to the river, the opposite bank and the rear gardens of houses fronting Sutton Road. It is private land and its owners object to the proposed LGS designation. The land has no obvious public recreational value and as a defined Green Corridor is already afforded additional protection for its wildlife value. Whilst the site contributes to the attractive character and appearance of the eastern end of Puddledock Lane, providing a view of the stream, I am not persuaded that any additional local benefit would be gained by its designation as LGS **(PM10)**.
- 4.17 The NPPF provides that policies for managing development within LGS should be consistent with those for Green Belts. However, in that policy

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<sup>21</sup> PPG Reference ID: 37-011-20140306.

<sup>22</sup> See Brian Wilson and Tim Gale's Independent Assessment of Candidate Sites for Local Green Space Designation

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BNE2, as drafted, seeks to limit those very special circumstances where development would be considered, it is not consistent with national Green Belt policy. I therefore propose to modify policy BNE2 by deleting the whole of its second part including a), b) and c) (**PM11**).

### Trees and Hedges

4.18 The NPPF recognises at paragraph 125 that neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. As part of the work on the Sutton Poyntz Neighbourhood Plan, a Place Appraisal was produced, describing the village, its setting and character. Much of the Plan area is within the Sutton Poyntz Conservation Area where trees are already subject to special protection. Nonetheless, policy BNE3 seeks to ensure that those trees and hedges which contribute to the distinctive character of the Plan area or which contribute to its biodiversity value are protected and retained. This policy is consistent with Local Plan policy ENV10 and with national policy in the NPPF, in particular paragraphs 127, 170 and 175, and I am satisfied would contribute towards the achievement of sustainable development, thus meeting the Basic Conditions.

### Archaeology

4.19 Sutton Poyntz lies in an area rich in prehistory. The Ancient Monument of Chalbury Fort lies to the west, just outside the Plan area and the South Dorset Ridgeway behind the village has a concentration of prehistoric barrows. In addition, there are remnants of field systems, boundaries and lynchets of varying dates and from the village there is a fine view of the Osmington White Horse. Sutton Poyntz also has cultural associations with writers and artists including Thomas Hardy and John Constable<sup>23</sup>. Heritage assets provide wide social, cultural, environmental and economic benefits and the NPPF at paragraph 184 describes them as an irreplaceable resource that *'should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'*.

4.20 Local Plan policy ENV4 requires that the impact of development on a designated or non-designated heritage asset and its setting must be thoroughly assessed against the significance of the asset and development should conserve and where appropriate enhance that significance. A large part of the Plan area is shown on the Local Plan Proposals Map as an Area of Archaeological Potential. Policy HE1 of the Neighbourhood Plan seeks to ensure that important but previously unknown archaeology is not destroyed unwittingly by requiring development proposals *'on previously*

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<sup>23</sup> Place Appraisal chapter 2.

*undeveloped land*’ to be accompanied by an archaeological assessment of the site. Given the presence of important archaeological assets in the vicinity of the Plan area, I consider that policy HE1 is an appropriate response to the potential for there to be other sites, as yet undetected, which once lost cannot be replaced. It has regard to national policy, generally conforms with the strategic Local Plan policy, and would contribute towards the environmental objective of sustainable development, and as such meets the Basic Conditions.

## Design

- 4.21 Good design is a key aspect of sustainable development, creating better places in which to live and work and helping make development acceptable to communities. The NPPF at paragraph 124 advises that *‘being clear about design expectations, and how these will be tested, is essential for achieving this’*. The Dorset AONB Management Plan 2019-2024 supports development that conserves and enhances the AONB, ensuring sensitive siting and design that respects local character, and requiring high quality design, materials and standards of workmanship. Similarly, the Local Plan, through policies ENV1, ENV4, ENV10 and ENV12, sets out clear design expectations and that *‘all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. Development should be informed by the character of the site and its surroundings<sup>24</sup>’*.
- 4.22 Policy H&P1 of the Plan deals with building style and design and the supporting text sets out Sutton Poyntz’s location within the Dorset AONB and its extensive Conservation Area, which covers not only the historic heart of Sutton Poyntz, but also Plaisters Lane and the open downland around the village right up to Northdown Barn. There are 12 listed buildings as well as other buildings of local heritage interest in the village. The NPPF at paragraph 125 advises that design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Map M-HP1.2 on page 31 identifies 5 village character areas defined in the Place Appraisal and policy H&P1.2 requires all new development to take account of the style and materials of nearby buildings in those character areas. A minor modification to the policy is needed to correct the map title and to clarify that the policy is subject to part 4 below. Similarly, in respect of the first part of the policy, in order to comply with the special duty imposed in respect of Conservation Areas, it should refer to *‘preserve or enhance the character or appearance of the Conservation Area ...’<sup>25</sup>*.

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<sup>24</sup> Local Plan policy ENV10.

<sup>25</sup> Section 72 of Planning (Listed Buildings and Conservation Areas) Act 1990.

4.23 Modifications are also needed to part 3 of the policy, in accord with the policy C1a of the AONB Management Plan, to identify that new development and extensions or alterations to existing buildings should not detract from the local character of the AONB. The final part of the policy addresses the situation where new development is proposed but where existing development is not in a style complementary or sympathetic to the area's traditional building styles. In requiring that any new building should enhance the character and appearance of the village, it will comply with national, AONB and Local Plan policy. Subject to these minor modifications (**PM12**), I consider that policy H&P1 would help to reinforce a sense of place in this sensitive landscape, has regard to national policy, would contribute towards the achievement of sustainable development and would generally conform with strategic Local Plan policy, thus meeting the Basic Conditions.

### Key Views

4.24 The AONB landscape provides an impressive setting for the village and following an independent assessment of candidate locations, policy H&P3 seeks to protect 7 key views into, out of and within the village from unsympathetic development. I am satisfied that Views 1, 2 and 3 are iconic views within and out of the village that are highly valued and which merit particular policy protection. Views 4, 5, 6 and 7 are expansive vistas from points on higher ground outside the village and objection has been made by DC that they are too extensive and should be deleted from the Plan. When I made my visit, I went to the viewpoints and these views are extensive. However, in that they show the existing village development in its landscape context nestling in the valley below the South Dorset Ridgeway and running up Plaisters Lane, I found them to be key views. New development, because of its scale, size, height, colour or materials, could appear particularly jarring, intrusive and incongruous in these views and as such detract from the landscape quality of the area. But whilst, for example, from view 6 you can see to the sea and to Portland, policy H&P3 would only apply to development in the mid ground of that view, within Sutton Poyntz, and not to development outside the Plan area. I am satisfied that policy H&P3 has regard to national policy to ensure development is sympathetic to the surrounding built environment and landscape setting, is in general conformity with strategic policies in the Local Plan, and would contribute towards the achievement of sustainable development, fulfilling the Basic Conditions.

### Flood Prevention

4.25 The River Jordan rises just above Sutton Poyntz and significant areas are identified by the Environment Agency as being at risk of flooding. Whilst the Environment Agency has carried out extensive work on the River Jordan near Fisherbridge, in 2014 cottages adjacent to the village pond

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were flooded when the river overtopped its banks. The Plan also notes incidents of sewer surcharging and potential surface water run-off flowing down from the surrounding higher ground into the higher risk flood zones. In accord with the NPPF<sup>26</sup>, the Local Plan has policies ENV5 and ENV6 that address flood risk and climate change and support local flood alleviation schemes. The Plan's policy H&P4 seeks to reduce or mitigate the rate and volume of surface water run-off from developed sites by requiring the use of sustainable drainage design features. It has a high level of local support and accords with national policy and guidance on the use of sustainable drainage systems, including the permeable surfacing of front gardens, and aligns with the objectives of national and Local Plan policy to avoid the risk of flooding and promote sustainable development, thus meeting the Basic Conditions.

- 4.26 Providing the recommended modifications are made, I am satisfied that the Plan's policies for the protection and enhancement of the environment will meet the Basic Conditions.

### *Issue 2 – Housing, Transport and Sport and Recreation*

- 4.27 It was clear to me on my site visit that whilst there is not an obvious discernible break in development between Sutton Poyntz and Preston, other than the narrow neck of the Local Plan designated Important Open Gap, the Plan area generally has the characteristics of a small rural village with a tightly defined development boundary and limited local services and facilities.
- 4.28 Criticism has been made that the Plan does not include any policies, only aspirations, on employment, business or tourism. However, guidance in the PPG<sup>27</sup> is that neighbourhood plans are not obliged to contain policies addressing all types of development. The specific planning topics that a neighbourhood plan covers is for the local community to determine, and their omission is not a matter on which the Plan could be seen to fail to meet the Basic Conditions. Section 5 of the Plan sets out community aspirations for employment, business and tourism, including the provision of a village shop and encouraging home working, which lie outside the scope of planning policies that provide for the use and development of land.

### Housing

- 4.29 It is the Government's objective to significantly boost the supply of homes<sup>28</sup> and to promote the development of a good mix of sites.

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<sup>26</sup> Paragraphs 149, 150, 155, and 163.

<sup>27</sup> PPG Reference ID: 41-004-20190509 and Reference ID: 41-040-20160211.

<sup>28</sup> NPPF paragraph 59.



Paragraph 68c) of the NPPF supports policies that promote the development of suitable windfall sites within existing settlements. Local Plan policy SUS2 sets out the distribution of development in accord with its settlement hierarchy, directing development in rural areas to the settlements with defined development boundaries. However, the Local Plan recognises that whilst there may be suitable sites in rural settlements, there are problems associated with providing development in locations that have few facilities and where people tend to commute to the towns. The Plan policy H&P2.1 provides general support for new residential development on windfall sites within the Local Plan Defined Development Boundary. In directing development to the existing settlement rather than the surrounding rural area, it promotes the effective use of land. In accepting that this may lead to higher densities and smaller homes, it accords with national and local planning policy.

4.30 Planning policies should reflect the need for housing for different groups in the community<sup>29</sup> and the Local Plan sets out the need for a variety of housing sizes to meet the needs of local people and to create more mixed communities, with the Strategic Housing Market Assessment indicating a greater need for 2 and 3 bedroom homes<sup>30</sup>. Therefore, Policy HOUS3 of the Local Plan seeks to provide that in open market housing *'wherever possible, residential developments should include a mix in the size, type and affordability of dwellings proposed, taking into account the current range of house types and sizes and likely demand in view of the changing demographics in that locality'*. Policy H&P2.2 of the Plan conforms with the Local Plan in setting out a preference for smaller (2 and 3 bedroom) homes. However, in identifying that these would give more residents the option to downsize whilst remaining in the neighbourhood, it appears to neglect the needs of families and younger people who might wish to stay living in the village, and for whom smaller homes would also be suitable. I therefore propose to modify policy H&P2.1 to make clear that smaller homes could also help meet the needs of families and younger people, providing for a mix of housing, in accord with national and local policy (**PM13**).

4.31 Text accompanying policy H&P2 sets out an expectation that up to 20 new homes will be built during the Plan period. There is no evidence available as to how this figure was arrived at, other than the range of options suggested in the Stage 2 survey, and the historic build rate of around 1 new house per annum. However, given that the village lies within the AONB and most is within the Conservation Area, I have seen nothing to indicate that this level of development over the life of the Plan, provided as infills and garden plots, is not feasible. Further, the Plan explains that should the rate of development fall significantly below that expected, the

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<sup>29</sup> NPPF paragraph 61.

<sup>30</sup> Local Plan paragraph 5.3.1.

intention would be to review the Plan and to explore other options with DC, which in its turn will be progressing a new Local Plan.

- 4.32 Subject to the recommended modification, I am satisfied that policy H&P2 would meet the Basic Conditions.

### Transport

- 4.33 It is national policy that transport issues should be considered from the earliest stages of plan-making and development proposals<sup>31</sup>. Sutton Poyntz has limited direct access to public transport and residents tend to rely on their private cars, although Weymouth and Dorchester are not far away for public and private transport links. Car ownership at 89% of households is high, with 46% owning at least 2 vehicles. The policy approach in the Plan aligns with the road use hierarchy set out in the Local Plan, where pedestrians are considered first, then cyclists, equestrians, public transport users, specialist service vehicles, and only then other motor traffic, and with Local Plan policies ENV11 and COM7. Policy GA1 promotes sustainable travel modes and sets out criteria to deal with transport needs in new development, including minimising dependency on private car use, applying the road user hierarchy, providing suitable access links to existing walking and cycling routes, and including suitable street lighting. I am satisfied that the policy strikes the right balance, encouraging well-connected development and minimising the scope for conflict between pedestrians, cyclists and vehicles. As such, it has regard to national policy and guidance, is in general conformity with the strategic policies of the Local Plan, and would contribute to the achievement of sustainable development, thus meeting the Basic Conditions.
- 4.34 The lanes in the Plan area are narrow and many do not have footways. With already high levels of residents' car ownership and the village's attraction to visitors coming to walk in the hills, or just to enjoy the Mill Pond and the amenities of the nearby Springhead public house, there is increasing traffic congestion, particularly in the historic centre, as a result of on-street parking. Local Plan policy COM9 sets parking standards for new residential development assessed in accord with the methodology in the Bournemouth, Poole and Dorset Residential Car Parking Study<sup>32</sup> and policy GA2.1 seeks the full application of these standards as a minimum. New development is also required to be designed so as to discourage additional on-street parking, especially near junctions or where the road is narrow (policy GA2.2).

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<sup>31</sup> NPPF paragraphs 102, 104, 108, and 110.

<sup>32</sup> May 2011.



- 4.35 The public house has used an adjacent field as a temporary overflow car park but whilst there is village support for a permanent car park, it has not proved possible to secure a viable location. Therefore, instead of an allocation, the Plan includes a general policy GA2.3 that supports proposals for off-street parking, providing that any car park is limited to 1000 square metres in size, does not detract from the character of the village or its setting, nor impedes traffic flow on adjoining roads. I understand that the car park is envisaged as providing for some 40-50 cars, which is seen as capable of having a significant impact on on-street parking, particularly around the Mill Pond<sup>33</sup>.
- 4.36 However I share the concerns of DC as to where such a large car park could be located without it adversely impacting on the character or setting of the village, on the Conservation Area and on the wider AONB landscape. Given those doubts, and in the absence of a site and scheme, I cannot be confident that the proposal would contribute towards the achievement of sustainable development. The supporting text in the Plan refers to prospective options existing, though does not say what these might be. I consider that policy GA2.3 is better placed in Section 5 of the Plan as an aspiration and I am modifying the Plan accordingly (**PM14**).
- 4.37 Policy GA3 deals with the concerns of local people about increasing volumes and the speed of traffic on narrow lanes without footways, and the need to put in place traffic calming and control measures. Policy GA3.2 supports proposals for new and improved transport infrastructure and is in general conformity with policies COM1, COM7 and ENV11 of the Local Plan. Policy GA3.1 requires that a proportion of the Community Infrastructure Levy (CIL) raised from new development should be directed towards traffic calming and control measures. However, DC has expressed concern that the formation of WTC has changed the way that this policy could be applied making it unsuitable. This is because new CIL receipts raised in the Sutton Poyntz Neighbourhood Plan area will be paid to WTC. The Town Council will have the discretion to spend the funds locally across the Weymouth area. Funds will not necessarily be spent in Sutton Poyntz or on transport calming or control measures.
- 4.38 I understand that the Weymouth and Portland CIL charging schedule was adopted in October 2015 and is administered by the new DC. The neighbourhood proportion of CIL receipts is transferred to town and parish councils on a regular basis and must be used by them to support the development of the areas<sup>34</sup>. The revised Regulation 123 list was approved by the Weymouth and Portland Management Committee in April 2018, and Transport includes highway improvements, bus services and walking and cycle improvements. However, WTC has said that it is not covered by the

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<sup>33</sup> Response to my question 11 in my first procedural letter of 14 August 2019.

<sup>34</sup> Dorset Council's answer to my question in my procedural letter of 14 August 2019.

Regulation 123 list. Further, that as the Town Council does not have responsibility for traffic calming and control measures, *'it may not be possible for the CIL money to be completely directed towards these matters'*<sup>35</sup>.

- 4.39 Whatever the situation is in respect of CIL receipts and their administration, I am concerned that, as drafted, policy GA3.1 and its supporting text do not detail, other than mentioning a 20mph speed limit which has been rejected, what additional infrastructure is actually required in the area to address the demands of development<sup>36</sup>. Having regard to the advice in the PPG on policy drafting and infrastructure provision<sup>37</sup>, I am not persuaded that a blanket policy of this form has been justified in terms of any particular local circumstances. I therefore am modifying policy GA3 to delete the first part (**PM15**). Subject to the modification, I conclude that policy GA3 has regard to national policy and complies with the strategic policies of the Local Plan, thus meeting the Basic Conditions.
- 4.40 The final policy, GA4, in the Getting Around section of the Plan, addresses pollution reduction by supporting the provision of ultra-low emission vehicle charging facilities in all new homes, thus promoting the greater use of low emission vehicles with the overall benefit of improved air quality. In that part e) of paragraph 110 of the NPPF encourages developments to be designed to enable charging of plug-in and other ultra-low emission vehicles, policy GA4 has regard to national policy and to the intention of the Government's Road to Zero Strategy, published in July 2018, to consult on introducing the requirement for chargepoint infrastructure for new dwellings. I am satisfied that the policy has regard to national policy and would contribute towards the achievement of sustainable development, thus fulfilling the Basic Conditions.

### Sports and Recreation

- 4.41 Sutton Poyntz has a small but active community but with no indoor or outdoor sports facilities, most community activities are centred on the Mission Hall and The Springhead public house. Policy SR1 seeks to protect these buildings, which are seen as community assets and where their change of use will be resisted unless the two policy criteria are met. Subject to replacing *'permitted'* with *'supported'* in SR1.1 and SR1.2, and

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<sup>35</sup> Weymouth Town Council's answer to my question in my procedural letter of 14 August 2019. It should be noted that the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 came into force on 1 September 2019. These provide, amongst other things, for Regulation 123 lists to be replaced by annual Infrastructure Funding Statements. The first Statements are required to be published by Councils by 31 December 2020.

<sup>36</sup> PPG Reference ID: 25-146-20190901.

<sup>37</sup> PPG Reference ID: 41-045-20190509 and Reference ID: 41-041-20140306.

the deletion of the words '*in exceptional circumstances*', (**PM16**) no examples of which are given in the supporting text, I am satisfied that policy SR1 meets the Basic Conditions. It has regard to national policy in the NPPF, particularly paragraphs 91 and 92, to promote healthy and safe communities and where planning policies should guard against the loss of valued facilities. It also generally conforms with strategic Local Plan policy COM3 on the retention of local community buildings and structures.

- 4.42 The lack of provision in the village for younger people, and particularly a children's play area, has been a concern for a number of years and policy SR2 supports proposals to use land within, or adjacent to the historic centre, for recreational purposes. The policy is aspirational in that no suitable site has been identified, other than possible shared use of the play facility attached to The Springhead public house. However, as a pocket park could be provided as part of a small infill development, I am satisfied that it stays in the Plan as policy. It accords with national policy<sup>38</sup> to provide access to open space and opportunities for sport and physical activity and with Local Plan policy COM4 which supports the provision of new or improved local recreation facilities.
- 4.43 I conclude that, subject to the recommended modifications set out in the Appendix to this report, the Plan's policies for housing, transport, and sport and recreation provide an appropriate framework to shape and direct sustainable development, have regard to national policy and guidance, and are in general conformity with the strategic policies in the Local Plan, thus meeting the Basic Conditions.

## 5. Conclusions

### *Summary*

- 5.1 The Sutton Poyntz Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

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<sup>38</sup> NPPF paragraph 96.

### *The Referendum and its Area*

- 5.3 I have considered whether the referendum area should be extended beyond the designated area to which the Plan relates. The Sutton Poyntz Neighbourhood Plan as 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 the Plan 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 I recognise that the Plan is the product of a lot of hard work by the Sutton Poyntz Society, the Steering Group, and its sub-groups, who sought to engage with local people to consider how they wished to see their area in the future. Whilst responsibility for the Plan has now passed to the Weymouth Town Council, the Society and its members should feel proud of their work, and of the Plan which should help to guide the area's future development in a positive way with the support of the local community. The Plan will, subject to some modifications, influence development management decisions for the next 12 years or until its review.

*Mary O'Rourke*

Examiner

## Appendix: Modifications

| <b>Proposed modification number (PM)</b> | <b>Page no./ other reference</b> | <b>Modification</b>  |
|--|----------------------------------|--|
| PM1                                      | Title Page and page 7            | Amend the title page to set out the Plan period of 2016 to 2031 and change 2036 to 2031 in paragraph 1.4.  |
| PM2                                      | Page 6                           | <p>Add at the end of paragraph 1.1 the following text:</p> <p>For the avoidance of doubt, no planning policy in the Sutton Poyntz Neighbourhood Plan can extend beyond the current designated neighbourhood area (i.e. into the wider Weymouth area) without the neighbourhood area being formally extended and any policy being subject to a comprehensive review. The policies in the Sutton Poyntz Neighbourhood Plan will apply to the Sutton Poyntz Neighbourhood Plan area only until they are formally reviewed (or, by default, upon the expiry of the Plan period).</p> |
| PM3                                      | Page 7                           | <p>Add a new paragraph after paragraph 1.4 as follows:</p> <p>The making of this Neighbourhood Plan does not constrain Weymouth Town Council from preparing any future Weymouth Neighbourhood Plan. Planning legalisation (section 61M of the Town and Country Planning Act 1990 as amended) is also clear that Weymouth Town Council as the qualifying body for the Weymouth parish area, in conjunction with Dorset Council as the Local Planning Authority, have the power to take forward modifications to the Neighbourhood Plan at any time.</p>                           |
| PM4                                      | Pages 8 and 9                    | Delete both parts of paragraph 1.7 and replace with new text to explain the recent local government re-organisation and the way in which Weymouth Town Council is proposing to monitor the Plan.   |

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|------|-------------------------------------|--|
| PM5  | Pages 7, 14, 16, 26, 28, 31, 34, 39 | Redraft the maps to a larger scale.  |
| PM6  | Page 13                             | In policy BNE1.2 in the third line after 'habitat' add the words ' <b>and pursue opportunities for securing measurable net gains for biodiversity</b> ' and in line 4 replace 'permitted' with ' <b>supported</b> '.   |
| PM7  | Pages 13 and 14                     | In policy BNE1.4 delete from 'Corridor' to the end and replace with the following:<br><br><b>'that meet the requirements of the Dorset Biodiversity Appraisal Protocol, will be expected to include a Biodiversity and Biodiversity Mitigation and Environmental Plan'</b> .<br><br>In paragraph 4.1.4.1 describe and explain the Dorset Biodiversity Appraisal Protocol.  |
| PM8  | Page 16                             | Delete areas G5 and G6 from the Map M-BNE2 and key.  |
| PM9  | Page 16                             | Delete area G9 from the Map M-BNE2 and key.  |
| PM10 | Page 16                             | Delete area G10 from the Map M-BNE2 and key.   |
| PM11 | Page 15                             | Delete the second part of policy BNE2.   |
| PM12 | Page 30                             | In policy H&P1.1 add after ' <b>enhance</b> ' the following words ' <b>the character or appearance of</b> '.<br><br>In policy H&P1.2 in the first line, before ' <b>New development ...</b> ' insert the words ' <b>Subject to H&amp;P1.4 below</b> '. In the fourth line replace <b>M-PAC1</b> with <b>M-HP1.2</b> .<br><br>In H&P1.3 in the second line add the words ' <b>the local character of</b> ' before ' <b>AONB</b> '.<br><br>In H&P1.4 in the first line add the words ' <b>the character and appearance of</b> ' before ' <b>the village</b> '. |
| PM13 | Page 32                             | Rewrite policy H&P2.2 as follows:<br><br><b>There is a preference for smaller (2 or</b>  |

|      |         |   |
|------|---------|---|
|      |         | <b>3 bedroom) homes to meet local needs. These include providing for families, for older residents wishing to downsize, and for young people wishing to continue living in the neighbourhood.</b>   |
| PM14 | Page 21 | Move policy GA2.3 to Section 5: Community Aspirations.<br><br>In the second paragraph of 4.4.3.2, delete the last sentence on page 21.  |
| PM15 | Page 22 | Delete policy GA3.1.<br><br>In the first line of 4.3.3.3, delete the words 'Policy GA3.1 addresses the expressed concerns of the community' and replace with ' <b>The community has expressed concerns .....</b> '.<br><br>In the second paragraph of 4.3.3.3, replace 'Policy GA3.2' with ' <b>Policy GA3</b> '. |
| PM16 | Page 40 | In policy SR1.1 and SR1.2 replace 'permitted' with ' <b>supported</b> ' and in policy SR1.2 delete the words 'in exceptional circumstances'.  |