

## **BOURTON - DORSET NEIGHBOURHOOD PLAN 2016-2031**

North Dorset District Council is satisfied that the Bourton - Dorset Neighbourhood Plan 2016-2031 as modified meets the basic conditions, is compatible with the Convention rights and complies with the definition of a neighbourhood development plan.

A referendum will therefore be held on 11 January 2018.

### Background

The Bourton Neighbourhood Area was designated in December 2012 in accordance with Part 2 of the Neighbourhood Planning (General) Regulations 2012 (the 'Regulations'). The relevant body is confirmed as the Parish Council and the designated neighbourhood area covers the same area as the area of the Bourton Parish Council.

In November 2016, Bourton Parish Council submitted its draft neighbourhood plan and supporting material to North Dorset District Council. The District Council was satisfied that the documents submitted met the requirements of Regulation 15 of the 'Regulations'. The Parish Council was notified of the District Council's conclusion and informed that the plan could proceed to examination.

The submitted documents were made available for consultation from 24 February to 7 April 2017, and an independent examiner, Robert Yuille, was appointed to examine the Plan. The examiner's report was received on 20 September 2017.

In summary, the examiner's report concluded that the Bourton - Dorset Neighbourhood Plan 2016-2031 would meet the basic conditions and other legal requirements, subject to the modifications as set out in Appendix A of this decision statement.

North Dorset District Council considered each of the recommendations and modifications contained in the examiner's report at its Cabinet meeting on 30 October 2017. In considering the conclusions of the independent examiner, the District 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 Bourton-Dorset Neighbourhood Plan 2016-2031

The neighbourhood plan area covers the area of Bourton Parish Council only.

## Details of the Neighbourhood Plan Referendum

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, being the same area as the area of Bourton Parish Council. In accordance with The Neighbourhood Planning (Referendums) Regulations 2012, as amended, the referendum for the Bourton-Dorset Neighbourhood Plan 2016-2031 will be held on 11 January 2018 and information about it will be published on the District Council's website and made available for inspection no fewer than 28 days before the referendum.

## Where to find more information...

Copies of this decision statement, the examiner's report and the neighbourhood plan can be viewed online via [Local planning policy North Dorset - dorsetforyou.com](http://dorsetforyou.com) and at the District Council Offices, Nordon, Salisbury Road, Blandford Forum DT11 7LL (8.45am to 5.00pm Monday to Thursday and 8.45am to 4.00pm on Friday).

**BOURTON - DORSET NEIGHBOURHOOD PLAN 2016 - 2031: MODIFICATIONS**

The formal recommendations taken from the examiner’s report, the District Council’s consideration and decision in response to each recommendation and the corresponding modification to the draft Bourton - Dorset Neighbourhood Plan 2016 - 2031 are set out in the table below.

Text shown underlined is proposed to be inserted within the plan as submitted and text shown as ~~strike through~~ is proposed for deletion from the plan as submitted.

**Abbreviations**

BNP – Bourton - Dorset Neighbourhood Plan 2016 - 2031

NDLP – North Dorset Local Plan

PM – Proposed Modification

VDS -Village Design Statement

**1. Formal Recommendations from Examiner’s Report**

NDDC reference	Examiner’s formal recommendations	Background to recommendation	NDDC’s consideration of recommendation and decision	Modification to the Bourton - Dorset Neighbourhood Plan 2016 - 2031
BNP 1	Policy 1, Criterion b) should state that development shall not have a significantly adverse effect on important views, and Map 2, which shows the location of important views, should also be referred to in the policy.	<p><b>Policy 1(b)</b> states that development should not adversely affect important views of the countryside from the village, or those towards the village, especially those identified as Important Views. Map 2 of the Plan identifies nineteen such views. The Parish Council has confirmed that this policy is not intended to preclude all development within the range of these views but, if taken to the extreme, it could be argued that almost any development that is visible in a view would have an adverse effect on it. The wording of this aspect of the policy would not meet the Basic Conditions in that it would not pay sufficient regard to the Framework at the heart of which is the presumption in favour of sustainable development.</p> <p>The Parish Council has suggested an alternative form of wording (‘that development shall maintain important views’) but the Examiner considers this would be open to a similarly restrictive interpretation. The Examiner considers that to avoid such an interpretation <b>Policy 1(b)</b> should state that development shall not have a significantly adverse effect on important views. For ease of reference Map 2, which shows the location of important views, should also be referred to in the policy. These amendments are shown in <b>PM1</b>.</p>	<p>The proposed modifications add clarity to the intention of the policy.</p> <p>Decision: <b>ACCEPTED</b></p>	<p><u>BNP Page 9, Policy 1b)</u></p> <p><b>Policy 1. Landscape Setting</b></p> <p>Development shall not <del>adversely affect</del> <u>have a significantly adverse effect on</u> important views of the countryside from the village or those towards the village, especially those identified as <del>Important Views within the VDS on Map 2.</del></p>
BNP 2	Cross reference should be made to Policies 10 and 20, and relocation of the reference to the map should be made within Criterion c) of Policy 1.	<p><b>Policy 1(c)</b> refers to the ‘Green Fingers’ shown on Map 6 of the Plan. It states, correctly, that the Countryside Policy of the Local Plan applies to these areas but it does not specify the number of that policy. In the interests of clarity, it should. More significantly, <b>Policy 1(c)</b> makes no reference to <b>Policy 10</b> of the Plan which deals specifically with ‘Green Fingers’. Again, in the interests of clarity, it should. These changes are set out in <b>PM2</b>.</p>	<p>The proposed modifications add clarity to the policy.</p> <p>Decision: <b>ACCEPTED</b></p>	<p><u>BNP Page 9, Policy 1c)</u></p> <p><b>Policy 1. Landscape Setting</b></p> <p>The “Green Fingers”, which contribute significantly to the rural character of the village, are formally identified (<u>See Map 6</u>) and will be protected by the Local Plan’s Countryside Policy <u>20 and Policy 10 of this plan</u> (<del>see Map 6</del>).</p>

NDDC reference	Examiner's formal recommendations	Background to recommendation	NDDC's consideration of recommendation and decision	Modification to the Bourton - Dorset Neighbourhood Plan 2016 - 2031
BNP 3	Policy 9 should be amended to read: 'Inappropriate development will not be approved in these areas except in very special circumstances' in reference to the identified Local Green Spaces.	<p><b>Policy 9</b> identifies four Local Green Spaces the location of which are shown on Map 6. There is no dispute that each of these sites is within the village and hence in close proximity to the community. Each is demonstrably significant and special to the Local Community, local in character and relatively small, not comprising extensive tracts of land. To that extent they meet the criteria for designating such sites set out in paragraph 77 of the Framework.</p> <p>However, paragraph 78 goes on to state that local policy for managing development within a Local Green Space should be consistent with the policy for Green Belt. The policy for Green Belt is that inappropriate development should not be approved except in very special circumstances.</p> <p><b>Policy 9</b> uses somewhat more discursive wording with its references to '<i>Development which does not enhance and promote the use, attributes and features for which the sites were designated will not be permitted.</i>' Such wording is less rigorous than the policy in the Framework with its references to well established terms of planning phraseology such as '<i>inappropriate development</i>' and '<i>very special circumstances</i>'. This looser wording could be interpreted as going beyond Green Belt Policy in the Framework and no reasons or justification for this are given. In that respect <b>Policy 9</b> does not have sufficient regard to Green Belt policy in the Framework and should be reworded to reflect more accurately that policy as shown in <b>PM3</b>.</p>	<p>The proposed modification adds robustness to the policy and ensures consistence with aims of the Framework.</p> <p>Decision: <b>ACCEPTED</b></p>	<p><u>BNP Page 21, Policy 9</u></p> <p><b>Policy 9. Local green spaces</b></p> <p><del>Development which does not enhance and promote the use, attributes and features for which the sites were designated will not be permitted. Inappropriate development will not be approved in these areas except in very special circumstances</del></p>
BNP 4	Policy 5 Criterion f) should be explicit about taking into account 'wishes' of local residents only in so far as they relate to planning considerations.	<p>The Council raised concern about the reference in criterion f) of <b>Policy 5</b> to taking account of the identified wishes of residents. Clearly the 'wishes', or 'preferences' to use an alternative word suggested by the Parish Council, of local residents will be a material consideration in determining any application for a village hall but only insofar as they relate to planning considerations. The Examiner, like the Council, considers that this point should be made explicit in the policy as shown in <b>PM4</b>.</p>	<p>The proposed modification adds robustness and clarity to the policy.</p> <p>Decision: <b>ACCEPTED</b></p>	<p><u>BNP Page 15, Policy 5f)</u></p> <p><b>Policy 5. New Village Hall</b></p> <p>The decision-making process on Planning Applications for the proposed site options will be carried out by the Local Planning Authority in accordance with this policy as part of the plan-led process and having taken into account any other material considerations, including the identified <del>wishes</del> <u>planning considerations</u> of the residents as expressed through the Parish Council</p>
BNP5	The reference to the Village Design Statement should be deleted from Policy 2.	<p><b>Policy 2</b> also includes the statement that '<i>Development proposals will be required to follow the design guidance in the Village Design Statement</i>'. In effect, this confers the status of development plan policy on the Village Design Statement. The Village Design Statement is a Supplementary Planning Document and, as the Glossary to the Framework makes clear, while Supplementary Planning Documents are capable of being a material consideration in planning decisions they are not part of the development plan. The reference to the Village Design Statement should, therefore, be deleted as shown in <b>PM5</b>.</p>	<p>The proposed modification adds clarity to the policy.</p> <p>Decision: <b>ACCEPTED</b></p>	<p><u>BNP Page 12, Policy 2)</u></p> <p><b>Policy 2. Settlement Pattern and Character</b></p> <p><del>Development proposals will be required to follow the design guidance in the Village Design Statement. In particular, development shall maintain the settlement pattern and character and:</del></p>

NDDC reference	Examiner's formal recommendations	Background to recommendation	NDDC's consideration of recommendation and decision	Modification to the Bourton - Dorset Neighbourhood Plan 2016 - 2031
BNP6	The inclusion of wording in Policy 3 Criterion e) which relates to permitted development could be misleading and should therefore be deleted.	<b>Policy 3</b> also seeks to provide good quality design and safeguard amenity and such an objective is consistent with the aims of the Framework and the Local Plan. However, criterion e) of this policy states that ' <i>Aerials and satellite dishes shall be placed out of sight or as unobtrusively as possible</i> '. As the Council points out, such development can, for the most part, be carried out as permitted development. To include this statement in a policy could be misleading and thus lack clarity. It should therefore be deleted from the policy as shown in <b>PM6</b> - although there would be no objection to it being inserted into the supporting text if this was considered desirable.	The proposed modification adds clarity to the policy.  Decision: <b>ACCEPTED</b>	<u>BNP Page 13, Policy 3e)</u>  <b><u>Policy 3. Building Design and Form</u></b>  External security lighting shall be sited so as to prevent light pollution or inconvenience to neighbours or pedestrians. <del>Aerials and satellite dishes shall be placed out of sight or as unobtrusively as possible.</del>
BNP7	The supporting text of Policy 4 should specify the policy in the Local Plan to which it refers.	<b>Policy 4</b> deals with traffic and parking and seeks to ensure the provision of development that will function well and add to the overall quality of the area, while making adequate provision for parking. In these respects, it is consistent with the relevant aims of the Framework and the Local Plan <sup>11</sup> . In the interest of clarity however, the supporting text to this policy should specify the policy in the Local Plan to which it refers as shown in <b>PM7</b> .	The proposed modification adds clarity to the supporting text.  Decision: <b>ACCEPTED</b>	<u>BNP Page 14</u>  This policy complies with the parking and traffic standards <u>referred to</u> in NDLP <u>Policy 23</u> , and is based on evidence and guidance in the VDS.