



Spatial Planning

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Intelligent Plans and Examinations (IPE)
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Date: 5 December 2019

Ref: Portland

Officer: V Martin

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Sent by email

Dear Steve

PORTLAND NEIGHBOURHOOD PLAN EXAMINATION

Further to the Examiners letter dated 22 November 2019, please find enclosed Dorset Council's response to the examiners questions.

Yours sincerely

Victoria Martin

**Senior Planning Officer
Spatial Planning**

Portland Neighbourhood Plan – Response to Examiner’s Questions

Dorset Council (DC)

1. Please confirm that, following reorganisation, DC is now the Mineral Planning Authority and Waste Planning Authority for the Portland Neighbourhood Plan area.

Dorset Council is the Mineral Planning Authority and Waste Planning Authority for the Portland Neighbourhood Plan Area.

2. Please provide the date of adoption of the Minerals Sites Plan (paragraph 3.17 of the Neighbourhood Plan) and the current position on the emerging Waste Plan.

Neither plan is currently 'fully' or formally adopted.

Because they have been jointly prepared, originally between Dorset County Council, Borough of Poole, and Bournemouth Borough Council - and now Dorset Council and Bournemouth Christchurch and Poole Council - they have to be adopted by both the latter Councils (following local government reorganisation).

Both plans have already been adopted by Dorset Council, and are going to Bournemouth Christchurch and Poole Full Council on the 17th December 2019 for adoption. We expect they will both be adopted.

The Committee reports have been drafted in such a way that the plans will not be formally adopted until two weeks after the second of the two Councils have adopted both plans, i.e. not until two weeks after 17 December 2019. Therefore both plans will become formally adopted on 31st December 2019.

3. Paragraph 3.18 of the Plan refers to Mineral Safeguarding Areas (MAS) and Mineral Consultation Areas (MCA) and Map 3 is entitled Mineral Consultation Area. However, paragraph 3.20 quotes from the Bournemouth, Dorset and Poole Minerals Strategy in respect of the designation of a Minerals Safeguarding Area. What is the DC’s view on whether Map 3 should show the MCA or MSA? Or do they cover the same area here?

The Mineral Safeguarding Area (MSA) and the Mineral Consultation Area (MCA) have the same boundary. This is confirmed in paragraph 14.17 and Policy SG2 of the Minerals Strategy 2014.

As originally created, the MCA only applied to the area of Dorset County Council, i.e. prior to Local Government Reorganisation on 1 April 2019. The former district/borough councils were required to consult the Mineral Planning Authority over planning applications with potential mineral safeguarding implications, where they fell within the MCA.

Now Dorset Council as a unitary authority makes all mineral and non-mineral determinations on applications. Within the MSA as designated by Policy SG1 the Mineral Planning Authority, now Dorset Council, will resist non-minerals development etc. Dorset Council as Mineral Planning Authority still acts as consultee to the local planning teams on non-mineral applications which fall within the MSA/MCA.

Policy SG1 designated the MSA within which the Mineral Planning Authority (now Dorset Council) will resist minerals sterilisation etc. Policy SG2 of the Minerals Strategy 2014 was directly aimed at district/borough councils, which no longer exist. However, SG2 did require that the Mineral Planning Authority be consulted.

It is suggested that the Neighbourhood Plan could show and make reference to the Mineral Safeguarding Area and state:

- i. that it is the same area as the Mineral Consultation Area, and that
 - ii. within this area non minerals development will be resisted if it appears likely to sterilise mineral resources, or hinder future mineral development, and
 - iii. the Mineral Planning Authority will be consulted over any non-mineral development within the Mineral Safeguarding Area.
4. Representations have been made on the Plan on behalf of Powerfuel Portland Limited, in particular seeking various amendments to the Plan's policies to include reference to 'energy recovery from waste' and 'waste to fuel'. Please provide the DC's view as to whether the changes sought relate to provisions and policies for 'excluded development', as set out in the Regulations.

Although not promoting a specific allocation the representation seeks amendments that would promote the development of some form of waste management or energy from waste site. It is the council's view that this constitutes excluded development as set out in the regulations.

5. Please confirm the dates of the application for and designation of the Neighbourhood Area as the dates in the Plan differ from those in the Basic Conditions statement. For example, paragraph 1.1 of the Plan gives the date of designation as November 2013, whereas the Basic Conditions Statement (page 3) states that it was formally approved on 18 July 2013, but refers to minutes of the Town Council dated 5 November 2013. I have also seen different dates as to when the application was made.

The application made by Portland Town Council to Weymouth & Portland Borough Council for a neighbourhood plan area was dated 4 October 2012. Eight weeks of consultation on the proposed area took place 12 October 2012 – 7 December 2012. The Portland Neighbourhood Plan Area was approved by Weymouth & Portland Borough Council Management Committee on 5 November 2013.

6. Please confirm that the Shoreline Management Plan referred to in policy Port/EN1 is the South Devon and Dorset Shoreline Management Plan (SMP) which can be accessed on the Dorset Council website (this will require a correction to Footnote 23). Also, could I be provided with a readable hard copy of the SMP summary leaflet as it is unreadable when printed off the web at A4?

The Shoreline Management Plan that should be referred to in the Portland Neighbourhood Plan is the South Devon and Dorset Shoreline Management Plan Review (SMP2): Durlston Head to Rame Head (June 2011). This is available from <http://southwest.coastalmonitoring.org/resources/smp/sdadcag-smp2/>

A link can also be found on the Dorset Council website at <https://www.dorsetcouncil.gov.uk/countryside-coast-parks/beaches-and-coast/coastal-protection-and-management/shoreline-management-plans.aspx>

This document identifies several "policy units" around Portland and proposes the following action:

Location Reference	Policy Unit Reference	Preferred Policy Recommendation
Small Mouth to King's Pier	5g21: Small Mouth to Osprey Quay (Portland Harbour)	Hold the Line
Small Mouth to King's Pier	5g22: Osprey Quay (Portland Harbour) to King's Pier	Hold the Line
Kings Pier to Portland Bill	5g23: King's Pier to Portland Bill	No Active Intervention
Portland Bill to West Weare	6a01: Portland Bill to West Weare	No Active Intervention
Chiswell and Chesil Beach (to Wyke Narrows)	6a02: Chiswell to Chesil Beach	Hold the Line
Chiswell and Chesil Beach (to Wyke Narrows)	6a03: Chesil Beach (to Wyke Narrows)	Managed Realignment
Chesil Beach and the Fleet	6a04: Chesil Beach and the Fleet	No Active Intervention

A hard copy of the SMP summary leaflet was supplied to the examiner on 25 November 2019.