

Decision Statement

On behalf of Dorset Council, 27 November 2019

Dorset Council is satisfied that the Sutton Poyntz Neighbourhood Plan 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 13th February 2020.

Background

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 Weymouth & Portland Borough Council to the Neighbourhood Plan Area and to the Society as the qualifying body to prepare the Neighbourhood Plan.

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.

In May 2019 Weymouth Town Council submitted the draft Sutton Poyntz neighbourhood plan and supporting material to Dorset Council. Dorset Council were satisfied that the documents submitted met the requirements of Regulation 15 of the 'Regulations'. Weymouth Town Council and the Sutton Poyntz Society were notified of the Councils conclusion and informed that the plan could proceed to examination.

The submitted documents were made available for consultation from 31 May 2019 until 12 July 2019, and independent examiner Mrs Mary O'Rourke, was appointed. The examiner's report was received on 2 October 2019.

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

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

Dorset Council considered each of the recommendations and modifications contained in the examiner's report and agreed the amendments in an Executive Decision Statement 27 November 2019. In considering the conclusions of the independent examiner, the Council agreed that the legal requirements and basic conditions had been met.

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

- (i) meets the basic conditions (as set out in Schedule 4B to the Town & Country planning Act 1990); and
- (ii) is compatible with the Convention rights (within the meaning of the Human Rights act 1998); and
- (iii) complies with the provision concerning Neighbourhood Development Plans made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004, and

...can now proceed to a referendum.

The area covered by the Sutton Poyntz Neighbourhood Plan

The neighbourhood plan area covers the village of Sutton Poyntz and its surroundings as marked on Map 1 of the Referendum draft of the Sutton Poyntz Neighbourhood Plan.

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 as marked on Map 1 of the Referendum draft of the Sutton Poyntz Neighbourhood Plan. The referendum for the Sutton Poyntz Neighbourhood Plan will be held on 13th February 2020.

Where to find more information...

Copies of this decision statement, the Examiner's Report and the Sutton Poyntz Neighbourhood Plan (as proposed) can be viewed online at <https://www.dorsetcouncil.gov.uk/sutton-poyntz-neighbourhood-plan> or at Council Offices:

- **Dorset Council offices**, South Walks House, South Walks Road, Dorchester DT1 1UZ which is open 8.30am to 5.00pm Monday to Thursday and 8.30am to 4.30pm on Fridays.
- **Weymouth Town Council offices**, Council Offices, Commercial Rd, Weymouth DT4 8NG which is open 9 am – 4pm, Monday to Friday
- **Littlemoor Library**, Louviers Rd, Littlemoor, Weymouth, DT3 6SF

The Sutton Poyntz Society also intends to ensure copies of these documents are available locally.

A copy of this statement is automatically sent to the Parish Council who submitted the plan and anyone who has asked to be notified of this decision.

Appendix A: Modifications / Recommendations from Examiner's report

Appendix: Modifications

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

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	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	Add at the end of paragraph 1.1 the following text: 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).
PM3	Page 7	Add a new paragraph after paragraph 1.4 as follows: 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.
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.
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 ' and pursue opportunities for securing measurable net gains for biodiversity ' and in line 4 replace 'permitted' with ' supported '.

PM7	Pages 13 and 14	In policy BNE1.4 delete from 'Corridor' to the end and replace with the following: <i>'that meet the requirements of the Dorset Biodiversity Appraisal Protocol, will be expected to include a Biodiversity and Biodiversity Mitigation and Environmental Plan'</i> . 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 ' <i>enhance</i> ' the following words ' <i>the character or appearance of</i> '. In policy H&P1.2 in the first line, before ' <i>New development ...</i> ' insert the words ' <i>Subject to H&P1.4 below</i> '. In the fourth line replace <i>M-PAC1</i> with <i>M-HP1.2</i> . In H&P1.3 in the second line add the words ' <i>the local character of</i> ' before ' <i>AONB</i> '. In H&P1.4 in the first line add the words ' <i>the character and appearance of</i> ' before ' <i>the village</i> '.
PM13	Page 32	Rewrite policy H&P2.2 as follows: <i>There is a preference for smaller (2 or 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.</i>
PM14	Page 21	Move policy GA2.3 to Section 5: Community Aspirations. In the second paragraph of 4.4.3.2, delete the last sentence on page 21.
PM15	Page 22	Delete policy GA3.1. 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 ' <i>The community has expressed concerns</i> '. In the second paragraph of 4.3.3.3, replace 'Policy GA3.2' with ' <i>Policy GA3</i> '.
PM16	Page 40	In policy SR1.1 and SR1.2 replace 'permitted' with ' <i>supported</i> ' and in policy SR1.2 delete the words 'in exceptional circumstances'.