

Report subject	Highcliffe & Walkford Neighbourhood Plan
Meeting date	26 October 2022
Status	Public Report
Executive summary	<p>Neighbourhood Planning gives local people the opportunity to develop a shared vision for their neighbourhood and shape the development and growth of their local area. BCP Council as the Local Planning Authority has a legal duty to support and advise town/parish councils and neighbourhood forums through the process to prepare neighbourhood plans, following statutory legislation, regulations and procedure.</p> <p>The Highcliffe & Walkford Parish Council is preparing a Neighbourhood Plan, which is at an advanced stage having been through independent examination. The examiner's report (dated 12 July 2022) has concluded that subject to modifications, it meets basic conditions and legal requirements, and can now proceed to referendum.</p> <p>Cabinet is asked to accept the findings of the examiner including his recommended modifications; approve the Local Planning Authority's decision statement; and approve the modified Neighbourhood Plan for referendum on 15 December 2022.</p> <p>If at referendum there is a majority vote (50% plus 1) in favour of the neighbourhood plan, then the neighbourhood plan will come back to Council to become a 'Made' plan for the Highcliffe & Walkford Neighbourhood area and form part of the statutory development plan. It will be used alongside the Christchurch Local Plan to determine planning applications in the Highcliffe & Walkford Parish Council area.</p>

Recommendations	<p>It is RECOMMENDED that Cabinet:</p> <ul style="list-style-type: none"> a. Accept the findings of the independent examiner’s report (Appendix 1) and recommendation that the area for referendum will be the neighbourhood plan area. (Appendix 2); b. Approve the Local Planning Authority’s Decision Statement and list of modifications (Appendix 3); c. Approve the Highcliffe & Walkford Neighbourhood Plan (2020-2028), as modified (Appendix 4 – to follow); d. Recommend that the modified Highcliffe & Walkford Neighbourhood Plan proceeds to referendum on 15 December 2022; and e. Agree that authority be delegated to the Interim Director of Planning in consultation with the Portfolio Holder for Development, Growth and Regeneration to agree any further minor changes to the Neighbourhood Plan before it goes to the referendum.
Reason for recommendations	To meet the statutory obligations including provisions set out in the Localism Act 2011, the Town & Country Planning Act 1990, the Neighbourhood Planning Act 2017, and the Neighbourhood Planning Regulations 2012 (as amended).
Portfolio Holder(s):	Councillor Philip Broadhead - Deputy Leader of the Council and Portfolio Holder for Development, Growth and Regeneration
Corporate Director	Sam Fox, Interim Director of Planning
Report Authors	Rebecca Landman, Planning Officer
Wards	Highcliffe & Walkford; and (Part) Mudeford, Stanpit and West Highcliffe
Classification	For Decision

Background

1. Neighbourhood Planning gives communities direct power to develop a shared vision for their neighbourhood and shape development and growth of their local area. One of the key aspects of neighbourhood planning is that communities can develop their own planning policies for a defined area. When a neighbourhood plan is ‘made’ by the council, it becomes part of the statutory development plan and has full weight in decision making when determining planning applications within the neighbourhood area.
2. BCP Council as the local planning authority has a statutory duty in accordance with the Localism Act 2011, the Town and Country Planning Act 1990, the Neighbourhood Planning Act 2017 and the Neighbourhood Planning Regulations 2012 (as amended), to support neighbourhood groups when they become qualifying bodies for the purposes of producing their own neighbourhood plan.

3. In summary, there are six main stages in the neighbourhood planning process comprising:
 1. Designation of neighbourhood forum as qualifying body and designation of neighbourhood area.
 2. Preparation of a draft neighbourhood plan by qualifying body
 3. Publicity and consultation on the draft pre-submission plan by the qualifying body.
 4. Submission of the plan to the local planning authority.
 5. Independent examination.
 6. Referendum and bringing the neighbourhood plan into force.
4. The Highcliffe & Walkford Parish Council has automatic status as a qualifying body for the purposes of producing a neighbourhood plan. In December 2019, it began initial consultation with residents and stakeholders. Two further rounds of consultation were undertaken in February and November 2020. Shortly afterwards, BCP Council received an application for formal designation of the parish council area as neighbourhood plan area (see Appendix 2). This was approved by the Service Director of Growth and Infrastructure on 2 December 2020.
5. Officers have been advising and assisting the Parish Council at different stages of plan preparation, which has included making appropriate checks, responding to queries, publishing the neighbourhood plan for consultation, and making arrangements for the independent examination. Officers will continue to support the Parish Council through the remaining stages of neighbourhood plan making, in accordance with its statutory duties.

Stage 3 – Publicity and consultation on the draft pre-submission plan by the Parish Council.

6. Highcliffe & Walkford Parish Council published its draft pre-submission plan for consultation and invited comments from stakeholders, residents and interested parties from 22 January - 8 March 2021. BCP Council provided a table of responses to the parish council on 17 February 2021. The parish council assessed all responses received and subsequently produced a consultation statement in May 2021 which detailed the consultation activity undertaken and a summary of the main issues raised and how they were to be addressed and informed changes to the neighbourhood plan.

Stage 4 – Submission of the neighbourhood plan to the Local Planning Authority

7. In September 2021, the Highcliffe & Walkford Parish Council formally submitted their draft [neighbourhood plan and supporting documents](#) to the local planning authority. This comprised of (i) the neighbourhood plan (ii) a map of the neighbourhood plan area (iii) consultation statement (iv) basic conditions statement (v) Strategic
8. Environmental Assessment Report and supporting evidence. The Town & Country Planning Act 1990 requires the council as local planning authority to check that a submission plan complies with the legislation and follows the procedure set out in the Neighbourhood Planning (General) Regulations 2012 (as amended). If the LPA finds that the plan meets the legal requirements, it must:
 - Publicise the proposal for a minimum period of 6 weeks and invite representations.

- Notify consultation bodies referred to in the consultation statement
 - Appoint an independent examiner (with the agreement of the qualifying body) to undertake examination of the plan and representations received.
9. In accordance with the Regulations, the council published the submission documents for a statutory consultation period of six weeks between 1 October – 12 November 2021 and arranged the appointment of an independent examiner.

The Independent Examination

10. On 2 November 2021, the Council appointed an independent examiner – David Hogger, BA MSc MRTPI MCIHT to carry out the examination of the submission plan. All associated documents and representations received by the Council were passed directly to the examiner. The examination was then conducted by written representations. Further requests from and responses to the examiner were published on the [BCP Council's website](#) during the examination period (between November 2021-July 2022). The scope of the examination is set out in paragraph 8(1) & (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended). This requires the examiner to consider whether the neighbourhood plan meets the following 'basic conditions':
- it has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - it contributes to the achievement of sustainable development;
 - it is in general conformity with the strategic policies of the development plan for the area;
 - it is compatible with and does not breach European Union (EU) obligations (under retained EU law);
 - it meets prescribed conditions and complies with prescribed matters; and
 - the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
11. The examiner also considered whether the plan complies with the provisions of s38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended) as follows:
- 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'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
12. The scope of the examination also considered whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum and other such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended). The designated neighbourhood plan area covers the whole of the parish council area. This covers the electoral wards of Highcliffe & Walkford and part of Mudeford, Stanpit and West Highcliffe ward extending west along the railway line to include Roeshot Hill, Somerford Roundabout and south to include Bure Brook.

The Examination Report

12. The examiner's report was received by BCP Council on 12 July 2022 and concluded that subject to his recommended modifications (to policies and supporting text), the Highcliffe & Walkford Neighbourhood Plan would meet basic conditions and legal requirements and can proceed to referendum. The 18 proposed modifications (referred to as 'PM') have been set out in the appendix to his report. He also concluded that the referendum area should be the same as the boundary of the designated area to which the plan relates and not extend beyond it.
13. The examiner's recommended modifications to the following policies are summarised below:
 - **Policy HWNP1 – High Street Environment** – the Public Realm. Deletion of three references to 'setback, scale and route connections' as these are not the only matters that may improve the environment for pedestrians.
 - **Policy HWNP2 – High Street uses** – Minor revisions to the policy and supporting text to clarify its status as district centre and prior approval procedure to clarify permitted development rights. Deletion of support for amalgamation and subdivision of units as it is not supported by sufficient evidence. Minor amendment to map 5.
 - **Policy HWNP4 – Local Greenspaces**. Deletion of 19 of the 29 proposed Local Greenspace sites as they are already satisfactorily protected by existing policies. These 19 sites include Jesmond Avenue and Hoburne Farm Estate, which the Examiner did not support for designation due to their potential to contribute to the delivery of housing. The Examiner was mindful of the lack of a five-year supply of housing sites in Christchurch. The Examiner supported designation of the following 10 Local Greenspace sites:
 1. S10 Lakewood (only covered by Tree Preservation Order) (TPO).
 2. LGS17 Green spaces off Saffron Drive (only part covered by Core strategy policy HE4).
 3. LGS18 Woodfield Gardens (only covered by TPO).
 4. LGS19 Bellflower Close play area (no other designation).
 5. LGS21 Hurst Close (no other designation).
 6. LGS22 Oakwood Road/Latimer Close greens (only covered by TPO).
 7. LGS25 Hoburne Brook (no other designation).
 8. LGS27 Woodhayes Avenue (no other designation).
 9. LGS28 Ashmore Grove (no other designation).
 10. LGS29 The Meadway (no other designation).
 - **Policy HWNP5 – Green Corridors**. Minor revision to reflect that infrastructure may impede digital provision and cycleways.
 - **Policy HWNP6 – Proposed Accessible Green Spaces**. Minor modification to map 7
 - **Policy HWNP7 – Walking and Cycle Routes** – Modification to policy to reflect the adoption of the BCP Council's Local Cycling & Walking Infrastructure Plan (May 2022) and for clarity improving the policy wording for clarity to the design of routes.
 - **Policy HWNP8 – Parking Standards** – Shortened policy for clarity, to accord with adopted BCP Parking Standards SPD.
 - **Policy HWNP10 – House Types** – Deleted policy as overprescriptive, not based on appropriate evidence or sufficiently flexible to ensure a range of smaller housing types to be delivered to contribute to meeting housing targets.
 - **Policy HWNP11 – Housing Design for Practical Living** – Revisions to exclude space standards being exceeded and for clarity replacing 'sunlight' with 'daylight'.

- **Policy HWNP12 – Retaining and reinforcing local character** – minor revisions to criteria wording to improve clarity.
 - **Pages 10-11** – insert additional text to provide clarity on interpretation of the use of the words ‘should’ and ‘will’ in the plan.
14. The Examiner also provided helpful clarity in his report on further minor amendments which can be made (consequential to the recommended modifications), such as updates/corrections/ revised numbering of the maps. The examiner explained that these additional amendments should be agreed between the Parish Council and BCP Council.

LPA’s decision on examiner’s recommendations.

15. Following receipt of the examiner’s report (see Appendix 1), the Local Planning Authority is required to consider each of the recommendations made in the report and decide what action to take. The Local Planning Authority normally has 5 weeks to come to its own view on the examiner’s report and issue its final decision on whether to send the plan for referendum. However due to the timing of the committee meeting dates, it was not possible to issue the final decision within 5 weeks and was therefore agreed with the Highcliffe & Walkford Parish Council that this date could be extended to align with the 26 October Cabinet meeting.
16. Having considered each of the recommendations made by the examiner and the reasons for them as set out in the report, officers are satisfied that the draft neighbourhood plan, once modified in accordance with the Examiner’s recommended modifications, would meet the basic conditions. This is set out in the Council’s Decision Statement (see Appendix 3). Officers have also undertaken an Equalities Impact Screening of the Plan (see Appendix 5) and are satisfied that it benefits those with protected characteristics and does not breach Human Rights legislation.
17. The Neighbourhood Plan has been modified (see Appendix 4) in accordance with the examiner’s recommendations and agreed consequential changes to update supporting text, numbering and maps.

Next step - Referendum

18. The rules covering the organisation of the referendum are set out in the Neighbourhood Planning (Referendum) Regulations 2012 (as amended) and the Neighbourhood Planning (Prescribed Dates) Regulations 2012. Should Committee approve the recommendations in this report and the decision notice (see Appendix 3) the referendum must be held within 56 working days from the date of decision notice. The proposed referendum date of 15 December 2022 meets this requirement. Electoral Services will manage the referendum arrangements.
19. At referendum, all residents on the council’s electoral register within the referendum area will be entitled to vote yes or no in response to the following question: ‘Do you want BCP Council to use the Neighbourhood Plan for Highcliffe & Walkford to help it decide planning applications in the neighbourhood area?’ There is no minimum turnout for the referendum to be valid and the plan is required to obtain 50% plus 1 of those voting to vote ‘yes’. If there is a majority ‘no’ or tied vote, then the neighbourhood plan will not be able to come into force.

If the outcome of the referendum is one of support, a further report will come before Council to adopt the neighbourhood plan as part of its statutory

development plan. However, no further material changes will be made to the plan following a positive referendum result.

Summary of financial implications

20. As part of its statutory duty to support neighbourhood planning groups, there are implications for officer time in the planning policy team to enable attendance at meetings, responding to emails and requests, making appropriate legal and planning issues checks, responding to consultations, publishing the neighbourhood plan for consultation, making arrangements for independent examination and referendum. Whilst the costs of officer time are included in existing budgets, the cost of the examination and referendum need to be met by the Council.
21. There is financial support available for Local Planning Authorities from the Department of Levelling Up, Housing & Communities (DLUHC) to meet the cost of the referendum. LPA's can claim £20,000 when issue a decision statement detailing their intention to send the plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012). However, for this neighbourhood plan referendum the grant is not expected to cover the full cost of both the examination and the referendum. The shortfall will be met from existing agreed budgets so there will be no additional costs to the Council.
22. When a Neighbourhood Plan is 'Made' (adopted by the Council), the Community Infrastructure Levy (CIL) Neighbourhood Portion rises from 15% to 25%. This means that the Parish Council will receive a higher amount of neighbourhood CIL from future development in the neighbourhood plan area.

Summary of legal implications

23. Neighbourhood Planning (General) Regulations 2012 (as amended) set out the statutory requirements placed on Councils. Regulation 18 requires that the LPA must decide what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4B to the Town and Country Planning Act 1990. To include what modifications are to be made to the draft plan and whether to extend the area to which the referendum is to take place. If the Council is satisfied with the plan proposal, it must publish a decision statement as soon as possible after making the decision to proceed to referendum. The Neighbourhood Planning (Referendum) Regulations 2012 (as amended) and the Neighbourhood Planning (Prescribed Dates) Regulations 2012 set out the procedures for referendum. If at referendum there is a majority vote (50% plus 1) in favour of the neighbourhood plan, then the neighbourhood plan will become a 'made' plan and form part of the statutory development plan. If there is a majority 'no' or tied vote, then the neighbourhood plan will not be able to come into force.

Summary of human resources implications

24. Work involved with supporting and advising neighbourhood planning groups is met by resource from planning policy officers and within existing budgets. Managing a referendum will also need additional resource from electoral services officers.

Summary of sustainability impact

25. The sustainability impact has been considered by the examiner as part of the basic conditions which requires the plan to contribute to the achievement of

sustainable development. The examiner concluded that, subject to modifications, he is satisfied that the policies meet the requirement in that they have had proper regard to national policy and guidance. He also agreed with the Screening Determination that the requirements of the Strategic Environment Assessment had been met in that and concluded that the plan would not be likely to result in a significant effect on any European Site either alone or in combination, and no further assessment under the Habitats Regulations is required. Officers will complete the Decision Impact Assessment (DIA) and present it alongside the proposed report to Council following a positive referendum result.

Summary of public health implications

26. The Neighbourhood Plan will positively benefit public health by; revitalising the high street and helping people feel safe and proud of their local shopping areas, looking after green spaces and having access to open space connects people with nature and improves physical and mental health, encouraging walking and cycling has implications for both increasing fitness and addressing obesity, helping towards better air quality and cheaper forms of travel, than by car. Improving community facilities improves health by bringing people together and creates better community cohesion and sense of belonging, encouraging well designed residential development will help improve the quality, size, energy efficiency and amenity space of new development. Housing is a key determinant of physical and mental health and wellbeing, as well as improving life chances and access to jobs. New homes including affordable housing will contribute to better public health outcomes by helping to provide a wider choice of quality residential accommodation and helping to alleviate overcrowding, reduce stress and provide stability for families.

Summary of equality implications

27. An Equalities Impact Assessment (EqIA) conversation screening document has been considered by an EqIA panel on 25 August 2022. The panel rated the document as **Green** – good to go/approved, providing sufficient evidence the public sector equality duty has been met.

The summary of the EqIA screening is as follows:

The Neighbourhood Plan has a strong vision for the Highcliffe and Walkford to be successful, vibrant, safe, and attractive. From the network of accessible green spaces and cycling routes to the design of new development, it seeks to improve the sustainability and social equality of the area. The policies have a number of beneficial impacts on people with protected characteristics. The High Street and local centre policies will encourage a wide mix of businesses and facilities with an improvement in the quality of its public realm. This will benefit groups of all age, disability, gender, faith, ethnicity, transgender and sexual orientation by providing places to dwell, and meet others, in a safe and familiar place with natural surveillance, a range of opportunities to work and access to facilities including healthcare.

The green spaces policies encourage access to protected open spaces which can help contribute to mental and physical health and wellbeing of people of all ages, disabilities, genders, faiths, ethnicities, sexual orientations where time can be spent outdoors with or without friends/family. The walking and cycle routes policy shows provides for both on and off-road routes which are direct, overlooked, safe and accessible to all. Through careful design, women, those managing pregnancy and postpartum, older people, people of faith and different ethnic groups or transgender groups can use these routes with confidence. The routes will be accessible to young families with buggies and less mobile or visually impaired residents or wheelchair users. The Community facilities policy

recognises the need to retain, modernize and continue to meet needs for education for early years groups, primary and secondary schools. This will benefit children in of all ages and genders, reduce social inequality, and address poverty in the parish area. The plan supports the wider development plan approach to growth which has major benefits to public health including employment prospects. The housing design and local character policy will encourage new development to achieve national space standards, reduce carbon emissions, provide flexible space for hobbies and homeworking, and encourage design features that would increase social interaction, reducing loneliness and isolation with older people. It may improve community cohesion amongst residents of young families and people living alone, thereby improving wellbeing and contributing to good outcomes for residents of Highcliffe & Walkford.

Summary of risk assessment

28. The recommendations in an examination report are not binding. However, if BCP Council does not accept the recommendations without a compelling justification, there is a risk of legal challenge. Should members not agree to accept any of the modifications, or come to a different view from the examiner, the Local Planning Authority will need to run a further consultation for six weeks, inviting representations from the neighbourhood planning group and anyone whose representation was submitted to the examiner and any consultation body previously consulted. It may also refer the issue to independent examination and must then issue a final decision within five weeks of the close of consultation. The Secretary of State can intervene in the planning process under circumstances including where this is requested by the neighbourhood plan group.

Background papers

Published works:

The Highcliffe & Walkford Neighbourhood Plan Submission Plan September 2021 consultation documents page are available at: [Highcliffe and Walkford Neighbourhood Plan \(bcpcouncil.gov.uk\)](https://www.bcpCouncil.gov.uk/Highcliffe-and-Walkford-Neighbourhood-Plan) and the Consultation Responses are available at [Representations received to the submitted Highcliffe and Walkford Neighbourhood Plan \(bcpcouncil.gov.uk\)](https://www.bcpCouncil.gov.uk/Representations-received-to-the-submitted-Highcliffe-and-Walkford-Neighbourhood-Plan)

Published works:

The Highcliffe & Walkford Submission Plan Examination Page is available at [Highcliffe and Walkford Neighbourhood Plan Examination \(bcpcouncil.gov.uk\)](https://www.bcpCouncil.gov.uk/Highcliffe-and-Walkford-Neighbourhood-Plan-Examination)

Appendices

1. Independent Examiner's Report dated 12 July 2022.
2. Map of Highcliffe & Walkford Neighbourhood Plan Area.
3. Local Planning Authority's Decision Statement with schedule of recommended modifications and schedule of consequential updates to the plan.
4. Highcliffe & Walkford Neighbourhood Plan (as modified).
5. Equalities Impact Assessment Screening.