

DECISION STATEMENT

26 October 2022



HIGHCLIFFE & WALKFORD NEIGHBOURHOOD PLAN (2020-2028)

BCP Council is satisfied that the Highcliffe & Walkford Neighbourhood Plan 2020-2028, as modified, meets the basic conditions and is compatible with the Convention Rights and complies with the definition of a neighbourhood plan.

A referendum will therefore be held on 15 December 2022.

Background

1. The Highcliffe & Walkford Neighbourhood Plan Area was designated by the Service Director of Growth and Infrastructure, BCP Council on 2 December 2020 in accordance with Part 2 of the Neighbourhood Planning (General) Regulations 2012 ('the Regulations'). The qualifying body is confirmed as the Highcliffe & Walkford Parish Council and the designated neighbourhood area covers the Highcliffe & Walkford civil parish. This follows the boundary of the Highcliffe & Walkford electoral Ward and part of the Mudeford, Stanpit and West Highcliffe electoral ward.
2. In September 2021, the Parish Council submitted its draft neighbourhood plan and supporting documents to BCP Council. BCP Council confirmed that the documents submitted met the requirements of Regulation 15 of 'the Regulations'. The Parish Council was notified of BCP Council's conclusion, and the Parish Council requested that the plan proceed to examination.
3. The submitted documents were made available for consultation from 1 October until 12 November 2021. An independent examiner, David Hogger BA MSc MRTPI MCIHT was appointed to examine the plan. The examiner's report was received on 12 July 2022.
4. In summary, the examiner's report concluded that the Highcliffe & Walkford Neighbourhood Plan 2020-2028 would meet basic conditions and other legal requirements, subject to his recommended modifications in appendix A of this decision statement.

Decision

5. BCP Council has considered each of the recommended modifications and the reasons for them contained in the examiner's report. In considering the conclusion of the independent examiner, BCP Council agree that the basic conditions and legal requirements have been met. The referendum version of the neighbourhood plan agreed by BCP Council incorporates the recommended modifications set out in appendix A to this statement together with factual and minor amendments consequential to the recommended modifications, which have been agreed between the Parish Council and BCP Council.
6. BCP Council is satisfied that the plan (as modified) can proceed to referendum as it:
 - (i) meets the basic conditions (as set out in Schedule 4B of the Town & Country Planning Act 1990; and
 - (ii) is compatible with the Convention Rights and complies with the provisions 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.

Referendum details

7. The independent examiner considered that it was appropriate for the referendum to be held in the designated neighbourhood plan area. BCP Council is also in agreement that the referendum should be held in the neighbourhood plan area.
8. Not less than 28 working days before the date on which the referendum is held, an Information Statement about the referendum will be published on the BCP Council website. This will specify:
 - (i) That a referendum will be held
 - (ii) The date on which referendum will be held
 - (iii) The question to be asked in the referendum
 - (iv) A map of the referendum area
 - (v) A description of persons entitled to vote in the referendum
 - (vi) The reference expenses limit that will apply in relation to the referendum and the number of persons entitled to vote by reference to which that limit has been calculated
 - (vii) That the referendum will be conducted in accordance with procedures similar to those used at local government elections; and
 - (viii) The address and times at which a copy of the specified documents can be inspected.

The specified documents comprise the Neighbourhood Plan, the Independent Examiner's report, the Representations submitted to the examiner pursuant to the consultation held between of 1 October – 12 November 2021 and the Council's Decision Statement.

9. Not less than 25 working days before the date of the referendum, BCP Council's Electoral Services team is required to give notice that a referendum is taking place and the date of the poll.

Where to find information

Copies of this Decision Statement, the Examiner's Report, submitted representations and Highcliffe & Walkford Neighbourhood Plan are available online at [Highcliffe and Walkford Neighbourhood Plan Examination \(bcpcouncil.gov.uk\)](https://www.bcpCouncil.gov.uk/Highcliffe-and-Walkford-Neighbourhood-Plan-Examination)

During the 28 working days prior to the referendum, paper copies of the documents will be available during normal office hours at Highcliffe Library 7 Gordon Rd, Highcliffe, Christchurch BH23 5HN and at Christchurch Library 29 High St, Christchurch BH23 1AW.

Appendix A: Modifications from Examiner's Report

The recommendations and modifications taken from the Examiner's Report are shown below:

Note: Additions are shown in **bold** and deletions are shown in ~~strikethrough~~

Proposed modification number (PM)	Page no./ policy/other reference	Modification
PM1	Between Pages 10 and 11	<p>Insert a text box to read:</p> <p>The words 'should' and 'will' throughout the Plan have specific meanings and are defined as follows:</p> <p>The word 'should' does not imply that the policy is optional or simply something the Parish Council desires if offered. Where the word 'should' is used, this is because it is thought conceivable that a proposal may not be able to fully comply with that policy's requirements, but that if it aligned with the policy intention as far as possible, it may still on balance be found to be acceptable (depending on the reasons why complying wholly was not possible, and the extent to which the proposal aligned with that policy and the development as a whole). Therefore where the word 'should' is used, and an applicant considers that there are good reasons why their proposal cannot meet the policy requirements, they should explain this as part of their application, and show how they have aligned with that policy's intention as far as possible.</p> <p>Where the word 'will' has been used to set out a requirement in a policy, failure to comply with the policy is not envisaged as acceptable, and this failure should be given significant weight in the decision.</p>
PM2	Policy HWNP1 Page 13	<p>Delete the last part of the policy:</p> <p>Any major redevelopment schemes fronting onto the High Street should seek to improve the High Street environment for pedestrians through the careful consideration of setback, scale and route connections.</p>
PM3	Policy HWNP2 Page 16	<p>In first sentence of policy replace High Street area with District Centre.</p>

PM4	Policy HWNP2 Page 16	Add wording to the end of the second paragraph of the policy to read: ... will not be supported, notwithstanding permitted development rights where Prior Approval may be sought.
PM5	Policy HWNP2 Page 16	Delete the first sentence of the third paragraph of the policy: The amalgamation or subdivision of units to allow the creation of larger or multiple smaller premises is supported.
PM6	Map 5 Page 15	Delete reference on Map 5 to Local Plan Shopping Area and remove the identified boundary.
PM7	Paragraph 3.12 Page 14	Delete all of paragraph 3.12 and replace with: Under the Town and Country Planning (General Development) (England) Order 2015, Class MA permitted development rights will allow many properties within Class E to change to residential use without consideration of the impact on the High Street (where the proposal is outside a conservation area), providing certain conditions are met. Class MA only applies to proposals where less than 1,5500 sqm of cumulative floorspace is to be converted. To benefit from Class MA, the use of the building must have fallen within Class E or one or more of the uses that it replaced, for at least two years continuously prior to the date that the prior approval application was made. The building must also have been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval (but periods of closure as a result of Government Covid-19 restrictions will not count towards the vacancy period where the building continues to be occupied by the owner or tenant). Proposals for Class MA are subject to meeting conditions in terms of transport impacts, contamination risks, flooding, noise, and natural light but do not require an assessment of the impact arising from the loss of retail uses i.e. the implications for the District Centre's overall vitality and viability. These permitted development rights would not over-rule restrictive planning conditions or legal agreements that would prevent such a change.

		<ul style="list-style-type: none"> • Provide opportunities for the informal enjoyment of these spaces where they form part of the public realm. <p>Development proposals adjacent to or including a part of a green corridor (including, for example, for digital provision or cycleways) will be expected to respect its function and integrity.</p>
PM11	Policy HWNP7 Page 24	<p>Modify policy to read:</p> <p>Development should improve the safety and/or connectivity of the pedestrian and cycle networks where practical, taking into account the indicative cycle network shown on Map 8 (and when produced the Local Cycling and Walking Infrastructure Plan). (adopted May 2022). The separation of cyclists and pedestrians will be expected wherever feasible.</p> <p>The design of any such off-road routes should ensure that these are coherent, direct, safe, comfortable and attractive having regard to national guidance. This should include consideration of how the design would where feasible be accessible to all, including suitable for use of people with wheelchairs or buggies, how the routes would be suitably overlooked, the provision of benches, and the use of landscaping landscaped to enhance biodiversity through the provision of wildlife corridors. This should include consideration of the provision of benches and access to cycle racks.</p>
PM12	Map 8 Page 24	Replace Map 8 with the BCP Council Local Cycling and Walking Infrastructure Plan (adopted May 2022) Map covering Highcliffe and Walkford.
PM13	Policy HWNP8 Page 26	<p>Delete all of policy HWNP8 and replace it with:</p> <p>The starting point for the consideration of car parking provision will be the BCP Council Parking Standards SPD (adopted January 2021). Within an area where it is clearly and thoroughly evidenced that there are significant on-street parking problems, variation from the adopted standards may be considered.</p>
PM14	Paragraph 7.1 Page 30	<p>Modify the third inset to read:</p> <p>Woodland at Jesmond Avenue – for residential (which is a Green Corridor) and proposed for Local Green Space designation through this Neighbourhood Plan).</p>
PM15	Policy HWNP10	Delete policy HWNP10 in its entirety.

	Page 32	
PM16	Policy HWNP11 Page 35	In the first requirement of the policy delete and preferably exceed.
PM17	Policy HWNP11 Page 35	In the last requirement replace sunlight by daylight .
PM18	Policy HWNP12 Page 43	Modify the second bullet point to read: Seek to retain the degree of spaciousness and set-back where this makes an important contribution to that contributes to each local area's character and/or that enables the retention and integration of larger tree species within the area as well as practical garden space. Cramped forms of infill development that have limited space for landscaping are unlikely to be appropriate. Similarly Parking provision should not dominate the street scene, with measures taken to ensure that front gardens and landscaped open grassed spaces in front of properties are not simply re-purposed turned into a barren wasteland to readily accommodate the car.

Appendix B: Consequential Minor amendments including updates/corrections/revised numbering subsequent to the Examiner's recommendations are shown below:

Note: Additions are shown in **bold** and deletions are shown in ~~strikethrough~~

Section/page number/other reference	Type of/reason for amendment	Nature of Amendment
Front cover	Update for version control	Text amended to Referendum Version, December 2022
Contents page	Consequential updates following examiner's recommended modifications.	Headings/maps, page numbering updated throughout.
S1, Map 9	Correction	Change to Map 2
S1, para 1.19	Update Local Plan adoption date following LDS approval July 2022.	Local Plan anticipated adoption to Winter 2024
S2, para 2.6	Update following reserved matters approval in October 2021 for first	Add in that the first phase of the Roeshot strategic development site was granted reserved matters permission for the

	phase of development at Roeshot Hill.	laying out of public open space to the west of the new vehicle access roundabout to Lyndhurst in October 2021.
S2, para 2.7	Update to show new outline planning application currently under consideration	Amend end of paragraph to reference the planning application (ref 8/21/1210/OUT) for 121 homes with all matters reserved except access
S2, para 2.8	Correction	Insert 'Emerging' BCP Local Plan
S2, para 2.9	Update to show dates of publication of BCP Council evidence base.	Amendments made to reference the various studies for the emerging BCP Local Plan that were produced after the Neighbourhood Plan had been submitted, and the extent to which it was possible to consider the implication of these through the examination.
S2, para 2.10	Update to reference the completion of the BCP Issues and Options consultation and adopted BCP Local Plan LDS timetable.	Insertion of Figure showing BCP Local Plan production timescales as agreed in the July 2022 LDS.
S3, Map 6(a)	Correction	Saulfland Place Neighbourhood Parade
S3, HWNP3	Correction	Saulfland Place
S3, para 3.2	Correction	Minor typo corrected (two of three three)
S3, para 3.8	Minor amendment to supporting text.	Following amendment to Policy HWNP1 add "In light of the objectives identified above, developers are encouraged to consider the potential for setback to create new spaces for pedestrians. This, together with scale (which will also impact on the amenity of new and existing spaces) and route connections (that may be able to increase links through to the surrounding areas where appropriate), as well as matters such as planting, surfacing and use of materials, can all help to improve the environment for pedestrians."
S3, para 3.11	Update to delete reference to transitional period regarding PD rights, as this has now passed.	Delete final sentence regarding PD rights.

S3, para 3.12	Correction	Replace 1,5500 sqm with 1,550 sqm
S3, para 3.16, image title and policy HWNP3	Corrections	Replace Saufland Road with ' Saulfland Place '
S4, para 4.3 – 4.6	Consequential non-material minor amendments to supporting text as a result of PM8 and PM9	<p>Para 4.3 - Delete final sentence referencing Appendix 1 here (which is now referenced under 4.7 new)</p> <p>Para 4.4 - Amendments made to text to clarify the reason behind the reduced list of LGS designations was related to the existing designations that the Examiner considered provided sufficient protection.</p> <p>Para 4.5 - amendments made to reflect that neither allotment is now proposed as an LGS and simpler explanation regarding the Parish Council's intent to retain the Roeshot allotments in situ (as the Local Plan policy map does not identify these for protection under Policy HE4).</p> <p>Para 4.6 amendments to reflect the Parish Council's objections to planning applications at Hoburne Farm and off Jesmond Avenue and where the case may be made for LGS designation in the future. Summary table to explain reasons for each designation and examiner's conclusions.</p> <p>4.7 ad 4.8 split for legibility.</p>
Map 7	Updates	Replace Map to show post-examination changes to LGS designations, update key.
S5, para 5.4	Corrected link to England Coast Path	England Coast Path as now referenced by Natural England.
S5, para 5.7 and 5.8	Minor revisions for legibility.	Minor changes to second and penultimate sentences of 5.7 and first sentence of 5.8 for clarification. Split paragraph for legibility and move final sentence of 5.8 to follow this paragraph.
S5, para 5.9	Update to delete potential routes that are no longer necessary.	Delete as no longer necessary following adoption of BCP Council LCWIP May 2022.

S5, para 5.10	Update and incorporate into paragraph 5.9 and delete last two sentences.	Simplify first sentence to refer to a range of ideas for route improvements having been tested through the Neighbourhood Plan and incorporate into previous paragraph. Delete last two sentences.
S5, para 5.11	Minor updates for grammatical improvements. Renumbered to para 5.10	Add final sentence to refer to the updates to the LCWIP ie: "As a result, a number of the proposals formulated as part of the Neighbourhood Plan work now feature in the LCWIP, which was adopted by BCP Council in May 2022, and to which this Plan now refers."
Map 8	Legibility	Replace with clearer map showing LCWIP routes for Highcliffe & Walkford
S5, Project 4	Minor spelling correction	Corrections.
S5, para 5.14	Minor amendments for legibility	To reflect work on the Strategic Car Parking Review was stalled due to the pandemic.
S5, para 5.15	Minor corrections and clarity as a result of PM12 and update.	Minor corrections including to the title of the Parking Standards SPD.
S6 Photo	Correction	Replace photo of Walkford United Reform Church with Methodist Church, Lymington Road
S6, Table following Project P6	Minor update to supporting text.	Replace Walkford URC with Methodist Church Lymington. Add sentence to reflect changes to LGS – to instead reference that many of the outdoor leisure facilities are protected under existing policies.
S6, Map 10	Minor update to map	Remove local plan shopping area reference.
S6, para 7.1 – bullet point 3	Update	Delete final sentence 'and being proposed for LGS designation through this Neighbourhood Plan
S7, para 7.7 – 7.10	Consequential amendments as a result of PM15.	Update table and supporting text to reflect latest housing needs data from BCP and Dorset Local Housing Needs Assessment, 2021. Add sentence to explain that whilst a specific policy on house sizes and types has not been included in this Plan, it is important that the latest information on housing need is shown and taken into account in the

		application of Local Plan policy LN1. Simplify paragraph 7.10 and renumber to delete reference to (deleted) policy HNWP10 and clarify that the exact mix will also depend on the characteristics of the plot and surrounding area, as well as the practical requirements of incorporating sufficient storage, parking (if appropriate) and outside amenity space. Amend paragraph to note that, based on monitoring the delivery of new housing stock, the Parish Council may revisit the inclusion of a more specific policy in a future review of this Plan
S7, HWNP11	Consequential revision	Renumber to HWMP10
S7, HWNP12	Consequential revision	Renumber to HWMP11
S8, para 8.1	Minor corrections	Delete 'at the latest' after 2024 and correct 'precedent' to 'precedence'
S9, Glossary	Update documents with latest publication dates of NPPF and evidence base	NPPF (2021) and evidence base referenced in paragraph 2.9
Appendix 1	Updated table split to cover (Part 1) LGS as confirmed by the Examiner and (Part 2) Proposed Accessible Green Spaces	Updated table split to cover (Part 1) LGS as confirmed by the Examiner and (Part 2) Green Spaces assessed by the Examiner as protected through other policies / designations. Insert new text into Jesmond Avenue Wood and Hoburne Farm description boxes to clarify the preservation of these sites are much supported by the community and parish council and both have been recognised as part of the Green Infrastructure Network within BCP Council's Green Infrastructure Plan (adopted September 2022 – appendix 5, Map A5.2).