

Appendix 4

Neighbourhood Plan

DECISION STATEMENT

22 May 2024



SANDBANKS PENINSULA NEIGHBOURHOOD PLAN (2023-2033)

BCP Council is satisfied that the Sandbanks Neighbourhood Plan 2023-2033, 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 18 July 2024.

Background

1. The Sandbanks Peninsula Neighbourhood Plan Area was designated by BCP Council on 20 December 2019 in accordance with Part 2 of the Neighbourhood Planning (General) Regulations 2012 ('the Regulations'). The qualifying body is confirmed as the Sandbanks Neighbourhood Forum and the designated neighbourhood area covers the Sandbanks Peninsula, within the Canford Cliffs Ward.
2. The Sandbanks Peninsula Neighbourhood Plan documents were made available for consultation from 7 July until 1 September 2023.
3. An independent examiner, Christopher Collison BA (Hons) MBA MRTPI MIED IHBC was appointed to examine the plan. The examiner's report was received on 15 December 2023. [Sandbanks NDP Report of Independent Examination 151223 \(bcpCouncil.gov.uk\)](https://www.bcpCouncil.gov.uk/sandbanks-ndp-report-of-independent-examination-151223)
4. In summary, the examiner's report concluded that the Sandbanks Peninsula Neighbourhood Plan 2023-2033 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 incorporates the recommended

modifications set out in appendix A to this statement together with factual and minor amendments consequential to the recommended modifications.

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, a summary of the Representations submitted to the examiner pursuant to the consultation held between of 7 July until 1 September 2023 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 and details of the poll.

Where to find information

Copies of this Decision Statement, the Examiner's Report, submitted representations and Sandbanks Peninsula Neighbourhood Plan are available online at:

[Plans being prepared | BCP \(bcpcouncil.gov.uk\)](https://bcpcouncil.gov.uk)

Appendix A: Modifications from Examiner's Report

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

Neighbourhood Plan = NP

Proposed modification number (PM)	Page no./ policy/other reference	Modification
1	front cover NP Section 5 NP, Vision page 4 of the Basic Conditions Statement	State the Plan period is to run to 2033.
2	Policy SAND1	<p>in the second sentence after replace the text after "not have" with "a significant adverse impact on the following highly valued and important landscape characteristics of the area:"</p> <ul style="list-style-type: none"> • commence part b) with "the sylvan character of the area including:" • in part c) replace "minimal" with "minor" • insert the text of parts b), c), d), and g) as bullet points of part b) • in part h) replace "central amenity area" with "recreation character area identified on Figure 7 of the Neighbourhood Plan" • replace part i) with "the following key feature buildings (identified on Figure 3 of Appendix C of the Neighbourhood Plan)" <ul style="list-style-type: none"> i. Royal Motor Yacht Club, Panorama Road; ii. Sandbanks Pavilion, adjacent to the car park south-east of Banks Road; iii. Parade of shops/ restaurants, 2-12 Banks Road; and iv. Haven Hotel, Banks Road." • replace part j) with "coastal habitats and features including remnant sand dunes, mud flats and beaches; and" • in part k) replace "pollution" with "spillage" • adjust the lettering (a) b) c) etc) of parts of the policy
3	Policy SAND2	Replace Policy SAND2 with "Development proposals will only be supported where they do not significantly

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		<p>adversely affect, and where possible enhance, the visible characteristics (identified in the Table embedded in paragraph 5.1 of Appendix C of the Neighbourhood Plan Landscape Character Assessment: Sandbanks, July 2021) of the locally valued views from locations within the Neighbourhood Area that are freely accessible to the general public shown on Figure 12 of the Neighbourhood Plan.”</p> <p>Delete all references, including from Figure 12 and from paragraph 2.8 of Appendix G, to viewpoints located outside the Neighbourhood Area.</p> <p>Replace all references to “strategic views”, in the Neighbourhood Plan and supporting documents, with “locally valued views”.</p>
4	Policy SAND3	<p>in the opening paragraph after “development proposals” insert “for new or substantially altered or extended buildings”, and after “which” insert “where possible”</p> <ul style="list-style-type: none"> • in part c) replace “attract” with “support” • in part e) after “value” insert “wherever possible” • continue part f) with “relating to the period until all new planting becomes established” • in the final sentence replace “will not be permitted” with “where such damage or loss is avoidable will not be supported”
5	Policy SAND4	<ul style="list-style-type: none"> • in the first sentence replace “Developments on Sandbanks will be permitted where they conserve” with “Development proposals will be supported where they protect” • replace part b) with “adequately mitigate any unavoidable harm to biodiversity, or as a last resort compensate for that harm;” • replace part c) with “protect, enhance, and provide for the ongoing management of biodiversity features including habitat and linkages supporting migratory and nonmigratory species; • in part e) replace “highways” with “routes” • delete the final word “and” from part b) • continue part e) with “; and”

Proposed modification number (PM)	Page no./ policy/other reference	Modification
		<ul style="list-style-type: none"> • delete part d) and redesignate parts e) and f) to be parts d) and e) • commence all parts of the policy with a lower-case letter
6	Policy SAND5	<ul style="list-style-type: none"> • in the first sentence replace “the character and local heritage of Sandbanks” with “local character and heritage” • in the third sentence delete “, as a minimum,” • in part b) after “not” insert “significantly” and after “on the” insert “reasonable” • delete part c) • in part f) after “properties and” insert “walls and fences” • in part j) after “value” insert “in a manner appropriate to their significance” • replace the final sentence with “To be supported development proposals must demonstrate regard for each relevant requirement of the Sandbanks Design Guide presented in Appendix G of the Neighbourhood Plan.”
7	Policy SAND6	<p>in the first sentence delete “around the peninsula” • in the second sentence replace the text before the colon with “To be supported a development proposal affecting recreation assets and open amenity spaces must demonstrate it”</p> <ul style="list-style-type: none"> • in part a) replace “Sandbanks” with “the area” • continue part d) with “and” • delete part e) • in part f) replace “peninsula” with “area” • redesignate part f) as part e) • insert a new final paragraph “Development proposals, which may include replacement or renovation of dilapidated buildings, that provide well-designed facilities for water sports will be supported.”
8	Policy SAND7	<p>replace the text before the colon with “Development proposals designed to achieve any of the following objectives and that have sufficient regard for the other policies of the Neighbourhood Plan will be supported:”</p> <p>In the Table of contents on page 2 of the Neighbourhood Plan replace “Streets and Movement” with “Public Realm”</p>

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9	Policy SAND8	<p>delete “in Sandbanks”</p> <ul style="list-style-type: none"> • continue part d) with “including the jetty utilised by Brownsea Island ferries and other services” <p>On Figure 11 Policies Map redraw the Gateway location symbols to only include land within the Neighbourhood Area.</p>
10	Policy SAND9	<ul style="list-style-type: none"> • replace the text before part b) with “Development proposals resulting in the loss of the local services and community facilities listed below (and identified on Figure 11 of the Neighbourhood Plan) to alternative use will not be supported except: a) For a commercially run community facility, robust marketing evidence based on the guidance in Appendix D to the Neighbourhood Plan, of at least 12 months duration, is provided demonstrating that it is not feasible to support its continued existence (see footnote); or” • insert new footnote to the policy “Where the premises or site of a local service or community facility has been offered for lease and freehold sale at realistic rents and prices with a local property agent for at least 12 months without securing a new owner or tenant, it will be accepted that it has been demonstrated that it is not feasible to support the continued existence of the local service or community facility.” • in part b) delete “or an equivalent community use” • replace part c) with “The community facility (as listed below) is replaced by provision in an accessible location for users of no less quality and capacity. • The Royal Motor Yacht Club • Sandbanks Pavilion • Beach Huts • Public toilets • Sandbanks Café • Retail premises on Banks Rd (Rick Stein, Caff, etc.) • Retail premises by Chain Ferry (Haven Café, etc.) • Sandbanks Yacht Company Boat Yard and Café/ Restaurant • Retail premises on Panorama Road (car showroom, estate agents, etc)

Proposed modification number (PM)	Page no./ policy/other reference	Modification
		<ul style="list-style-type: none"> • North Haven Yacht Club jetty • Sandbanks crazy golf <p>Re-title Appendix D as Marketing Guidance and within Appendix D:</p> <ul style="list-style-type: none"> • replace paragraph 1 with “A marketing report based on this guidance should be submitted with any planning application relating to a site or premises to which Sandbanks Peninsula Neighbourhood Development Plan Policies SAND9 and SAND10 apply. The report should set out details of the marketing undertaken and demonstrate that it is not feasible to support the continued existence of the local service or community facility.” • delete paragraph 3 • commence paragraph 7 with “Where possible”
11	Policy SAND10	<p>replace “of Sandbanks” with “of the Neighbourhood Area”</p> <ul style="list-style-type: none"> • replace “peninsula” with “Neighbourhood Area” • replace the third sentence, and the fourth sentence before the colon, with “This policy seeks to guard against the unnecessary loss of the hotels or valued facilities and services within the hotels. Except for development proposals complying with strategic Local Plan Policy PP23 (2) (b) (ii), proposals resulting in the partial or complete loss, of a hotel or hotel accommodation, or services and facilities within a hotel serving the community, where such loss requires planning permission, will only be supported where it can be demonstrated that” • in part a) after “replacement” insert “hotel”, and delete “the” before “BCP” • replace part b) with “any services and facilities serving the community within the hotel are replaced within the development site with services and facilities of no less community benefit; or it is demonstrated the service or facility is no longer viable (see footnote 1); or a robust marketing campaign of at least 12 months duration based on the guidance in Appendix D of the Neighbourhood Plan demonstrates that it is not feasible to support the continued existence of those services and facilities (see footnote 2).” • insert new footnote 1 to the policy “In order to demonstrate the service or facility is no longer viable the applicant must provide evidence on relevant trading, financial and business planning information demonstrating

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		<p>that the last known proprietor endeavoured to do all they could to run a successful financially sound business.”</p> <ul style="list-style-type: none"> • insert new footnote 2 to the policy “Where the premises of a local service or community facility within a hotel site has been offered for lease and freehold sale at realistic rents and prices with a local property agent for at least 12 months without securing a new owner or tenant, it will be accepted that it has been demonstrated that it is not feasible to support the continued existence of the local service or community facility.”

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

Proposed modification number (PM)	Type of/reason for amendment	Nature of Amendment
12	I recommend these modifications, and any adjustments to text or illustrations that become evidently required, are made so that the Neighbourhood Plan has sufficient regard for national policy and guidance being “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.	Modify policy text where this becomes evidently required to achieve clarity or correct errors. Modify policy explanation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.