

Independent Examiners Report on the **Cerne Valley Neighbourhood Plan**

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Date: 14th August 2014

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Section 2

Summary

As the Independent Examiner appointed by West Dorset District Council to examine the Cerne Valley Neighbourhood Plan, I can summarise my findings as follows:

1. I am satisfied having regard to the Cerne Valley Parish Council Consultation Statement; my examination of the representations made in connection with this subject and the additional clarification provided at the Neighbourhood Plan Hearing that the Cerne Valley Neighbourhood Plan meets the Basic Conditions in connection with the consultation process.
2. I find that with minor modifications to policies 2,3,4 and 5 that the policies contained within the Cerne Valley Neighbourhood Plan does meet the Basic Conditions.
3. The Plan with recommended modifications can proceed to a Referendum
4. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Cerne Valley Neighbourhood Plan go to Referendum.
5. At the time of my examination the adopted local plan was the 2006 West Dorset plan. Although a new local plan had been submitted for examination the Inspector had indicated that further work was required on the objective assessment of housing need. The district council has now published an updated housing need assessment and land availability assessment, and is consulting on increasing the annual

target across the housing market area to 775 dwellings. The land availability assessment includes an assumption that about 200 homes may be delivered as a result of policy changes and allocations made through Neighbourhood Plans over the plan area over the next 14 years (although the council are not including any contribution from this source in the current 5 year housing land supply). It may be that, as a result of the local plan examination, this approach is not supported and more definite targets are required for Neighbourhood Plans. If this were to be the case, then the policies that otherwise restrain growth in the Cerne Valley Neighbourhood Plan would need to be reviewed if the current level of provision was not sufficient to meet the new targets.

Section 3

Introduction

Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Cerne Valley Neighbourhood Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Cerne Valley Neighbourhood Plan 2013 meets the Basic Conditions and has taken into account human rights, and to recommend whether the Cerne Valley Neighbourhood Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 in full under Section 5 of this document.

The Cerne Valley Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

This process allows for the holding of a Neighbourhood Plan Hearing where the Examiner decides that there are issues or information on which the Examiner requires clarification

The Role of Examiner including the examination process and legislative background

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The Plan can proceed to a Referendum
2. The Plan with recommended modifications can proceed to a Referendum
3. The Plan does not meet the legal requirements and cannot proceed to a Referendum

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Cerne Valley Neighbourhood Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect

- the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also to determine whether the Plan complies with the Basic Conditions, which are:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies contained in the Development Plan for the area.

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

West Dorset District Council will consider the Examiner's report and decide whether it is satisfied with the Examiner's recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum then 28 days notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the District Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the plan then forms part of the Development Plan.

Section 4

The Report

Appointment of the Independent examiner

West Dorset District Council appointed me as the Independent Examiner for the Cerne Valley Neighbourhood Plan with the agreement of Cerne Valley Parish Council.

Qualifying body

I am satisfied that the Cerne Valley Parish Council is the qualifying body.

Neighbourhood Plan Area

The Cerne Valley Neighbourhood Plan Area covers the whole of the Cerne Valley Parish including Cerne Abbas and Godmanstone. The Basic Conditions Statement submitted with the Cerne Valley Neighbourhood Plan. confirms there are no other Neighbourhood Plans covering the Area.

Plan Period

It is intended that the Cerne Valley Neighbourhood Plan will cover the period of 10 years from adoption.

West Dorset District Council initial assessment of the Plan.

Cerne Abbas Parish Council, the qualifying body for preparing the Cerne Valley Neighbourhood Plan, submitted it to West Dorset District Council for consideration. West Dorset District Council has made an initial assessment of the submitted Cerne Valley Neighbourhood Plan and the supporting

documents and is satisfied that these comply with the specified criteria.

Hearing

Having examined the Cerne Valley Neighbourhood Plan and supporting information I decided that there were issues that were unclear and could be best clarified at a Hearing. I therefore held a Hearing on 11th July 2014.

The issues covered at the Hearing related to the following:

- The process of identifying the DDBs for Cerne Abbas and Godmanstone.
- Housing Policies 1,3 and 4
- Local Green Space Policy 8

Site Visit

As part of the Neighbourhood Plan examination process it is important for the examiner to have an understanding of the area and the context for the plan and to this end I made an unaccompanied site visit to the area on 11th of July 2014.

The Consultation Process

I am required to check the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012. The Parish Council has submitted a document entitled the Cerne Valley Plan Consultation Response. This document describes how and when the various elements of the consultation were undertaken before the final consultation period that closed on the 7th March 2014.

I have examined the consultation background document and I am satisfied that the consultations that took place were organised and conducted satisfactorily, with information on the progress with the plan and information on the consultation available on the parish council's web site- cernevalley.org which was established at an early stage in the preparation of the plan.

In addition a dedicated Newsletter ('It's For You') was established and published at various times and delivered to every household in the Parish.

The consultation process commenced with a visit by the Commission for Architecture and the Built Environment (CABE), now part of the Design Council, in July 2011.

After that there were a series of consultation events which have been well documented in the Cerne Valley Neighbourhood Plan Consultation Summary Document these include meetings with landowners and various meetings to address the issue of the Defined Development Boundaries for both Cerne Abbas and Godmanstone.

I have received representations regarding the conduct of the consultation process particularly in connection with establishing the DDB for Godmanstone. I have therefore taken care to examine the consultation process in depth and took the opportunity to explore the issue further at the Hearing. Both examination of the documents and representations submitted in connection with this matter have lead me to conclude that the consultation process was thorough, well conducted and recorded.

The plan was subsequently advertised for the statutory 6 week period and received a number of responses from individuals and statutory bodies. The comments made in these responses are recorded and amendments made as a result are tracked in the Consultation Summary.

A list of statutory bodies consulted is in the Consultation Statement. These seem satisfactory.

I am satisfied that the pre-submission consultation and publicity has met the requirements of regulation 14. The Parish Council and Steering Group have undertaken a thorough consultation process and despite some difficulties associated with the process they are to be congratulated.

I therefore consider that the Plan does meet the Basic Conditions in this respect.

The District Council placed the Cerne Valley Neighbourhood Plan out for consultation for the required period and the consultation period came to an end on the 7th March 2014. A total of 16 responses were received. Whilst I have not made reference to all the representations in my report, I have taken

them into consideration.

Compliance with the Basic Conditions

The Cerne Valley Neighbourhood Plan working Group produced a Basic Conditions Statement on behalf Cerne Valley Parish Council in November 2013. The purpose of this statement is for the Parish Council to set out in some detail why they believe the Neighbourhood Plan as submitted does meet the Basic Conditions. It is the Examiners Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Cerne Valley Neighbourhood Plan:

1. Has regard to national policies and advice
2. Contributes to sustainable development
3. Is in general conformity with the strategic policies in the appropriate Development Plan
4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.

Documents brought to my attention by the District Council for my examination were those listed on their web site at:

<https://www.dorsetforyou.com/412073> and cernevalley.org

Planning Policy

National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions the Plan must have “regard to national policy and advice”.

In addition the NPPF requires that a Neighbourhood Plan "must be in general conformity with the strategic policies of the local plan". Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

The Cerne Valley Neighbourhood Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

Local Planning Policy

The Development Plan

Cerne Valley Parish is within the area covered by West Dorset District Council. The relevant development plan is West Dorset District Council Local Plan Adopted 2006.

I have considered the Strategic policies of the Development Plan and the

representations made in respect of these and consider that the Plan does meet the Basic Condition - be in general conformity with the strategic policies contained in the Development Plan for the area.

New local plan

At the time of my examination the adopted local plan was the 2006 West Dorset plan. Although the new local plan had been submitted for examination the Inspector had indicated that further work is required on the objective assessment of housing need. Therefore although I am mindful of the progress of the new plan the development plan at the time of the examination is the West Dorset District Council Local Plan Adopted 2006.

Other Relevant Policy Considerations

European Convention on Human Rights (ECMR) and other European Union Obligations

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

A Strategic Environmental Assessment (SEA) screening opinion was sought as required from the following organisations during the formal consultation period:

- Natural England
- English Heritage
- Environment Agency
- Dorset AONB
- West Dorset District Council
- Dorset County Council

It was considered by these organisations that the plan does not require a SEA and I concur with this opinion.

Sustainable development

The Cerne Valley Neighbourhood Plan has been assessed by means of a

Sustainability Checklist as part of the wider Sustainability Appraisal for the emerging local plan, demonstrating that the principles of Sustainable Development required in the NPPF were taken into account. Following comments raised during the pre-consultation period in connection with sustainability amendments were made to the plan and I am satisfied that the Cerne Valley Neighbourhood Plan addresses the sustainability issues adequately.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Cerne Valley Neighbourhood Plan has done so.

I am therefore satisfied that the Cerne Valley Neighbourhood Plan meets the basic conditions on EU obligations.

Excluded development

I am satisfied that the Cerne Valley Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

Development and use of land

I am satisfied that the Cerne Valley Neighbourhood Plan covers development and land use matters.

The Neighbourhood Plan Strategic Aims and Policies

The Cerne Valley Neighbourhood Plan sets out a vision for the area:

“Recognising the Cerne Valley is a special place to live in and visit, we aim to retain this status by protecting our environment and communities, whilst seeking to encourage change which will enhance the appeal of the area, as well as its sustainability.”

The plan sets out the Neighbourhood Plan Strategic Objectives; Housing Objectives, Development Principles; Environment Objectives; Community Infrastructure Objectives and Economic Objectives.

I consider that the policies follow from the stated objectives and are consistent with achieving those stated objectives.

Cerne Valley Neighbourhood Plan Policies

Policy 1

Other than in exceptional cases e.g. affordable housing delivered through rural exception sites, future housing development in Cerne Abbas and Godmanstone should be within the Defined Development Boundaries described in the Plan.

I have no comment on this policy.

Policy 2

New build development must be constructed to a high quality design, materials and standards of workmanship that are sympathetic to the character of the environment in which they are built. Designs should have regard to appropriate height and density and include an arboricultural assessment when appropriate.

Whilst I consider the intention behind this policy to be acceptable its wording strays beyond those elements controlled by the planning system and suggest the following rewording:

All applications for new development should demonstrate high quality of design, use of materials and detail, which reflect local distinctiveness; also having regard to prevailing scale, massing and density and the development principles as set out on page 10 of the Cerne Valley Neighbourhood Plan.

Policy 3

The existing Defined Development Boundary for Cerne Abbas will be extended in its North and West corners.

The comments received from Savills on behalf of CG Fry and Son have been considered in relation to the DDB for Cerne Abbas. I find that whilst the comments submitted are important I am satisfied that as the current relevant Development Plan is the West Dorset Local Plan 2006 that Policy 3 which sets out a revised DDB for Cerne Abbas meets the Basic conditions as it does:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies contained in the Development Plan for the area.

I do however consider that this policy would be improved by the inclusion of a reference to a map, which illustrates the Defined Development Boundary and therefore suggest that the Policy is reworded in the following way:

The Defined Development Boundary for Cerne Abbas will be retained and extended in its North and West corners as indicated in the map in Appendix 4.

Policy 4

The Defined Development Boundary for Godmanstone will be adopted and used in relation to future planning applications. The village should have slow incremental growth in character with its history and therefore new development will be generally restricted to a density of no more than three dwellings an acre.

I have considered carefully the wording of this policy and feel that whilst wanting any future development to reflect the current density of Godmanstone is appropriate I am not convinced that the figure of 3 dwellings an acre has been arrived at in a way that could not be justifiably challenged and therefore recommend the following rewording:

Defined Development Boundary for Godmanstone will be adopted and used in relation to future planning applications. The village should have incremental growth in character with its history and therefore proposals for new development will be need to demonstrate that they reflect the character and density of the existing settlement as a whole.

Policy 5

Planning applications for quality conversions of historic farm buildings, including barns, in rural areas should be favourably considered for residential and/or business uses.

I have considered this policy particularly in the context of the AONB consultation response and suggest the following rewording:

Planning applications for quality conversions of historic farm buildings, including barns, in rural areas should be favourably considered for residential and/or business uses, providing that the proposals are consistent with protecting the character and landscape quality of the Dorset Area Of Outstanding Natural Beauty.

Policy 6

Future planning applications must consider all flood risk issues, including surface water, flood zones and flood inundation areas, to ensure there is no adverse impact on local flood risk through development.

Although the requirement to consider Flood Risk is covered by National Policy requirements and guidance I have no other comment on this policy.

Policy 7

Land in Simsay, Cerne Abbas will be safeguarded for the building of a new Cerne Abbas First School.

I have no comment to make on this policy.

Policy 8

No development will take place in areas designated as Local Green Spaces in this Plan except where such development demonstrably enhances the use of the space. In addition Community Facilities highlighted in the Plan must be protected, recognising their importance to the sustainability of the area.

Policy 9

Planning applications relating to existing and new businesses, which are in keeping with the Cerne Valley Economic Strategy should receive favourable consideration, subject to them being sympathetic to the character and distinctiveness of the area.

[I have no comment to make on this policy.](#)

General comments

Whilst there is no specific reference to implementation or monitoring in The Cerne Valley Neighbourhood Plan I consider that in the light of the position of the emerging West Dorset Local Plan that it may be that, as a result of the local plan examination that the policies within the plan may need to be reviewed.

Section 5

Conclusion and Recommendations

1. I find that the CERNE VALLEY NEIGHBOURHOOD PLAN has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.
2. The Neighbourhood Development Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.
3. The Cerne Valley Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.
4. The Sustainability Appraisal, which also covers the Strategic Environmental Assessment requirement, and the amended Habitats Regulations Assessment screening, I find to meet the EU Obligation.
5. The policies and plans in the Cerne Valley Neighbourhood Plan would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the West Dorset Adopted Local Plan 2006, the Development Plan.

6. I therefore recommend that the Cerne Valley Neighbourhood Plan, with recommended modifications, can proceed to a Referendum.

Suggested modification to policy wording.

I make some detailed recommendations to the text in this report. For convenience, the changes to Policy wording I recommend are repeated below:

Policy 2

All applications for new development should demonstrate high quality of design, use of materials and detail, which reflect local distinctiveness; also having regard to prevailing scale, massing and density and the development principles as set out on page 10 of the Cerne Valley Neighbourhood Plan.

Policy 3

The Defined Development Boundary for Cerne Abbas will be retained and extended in its North and West corners as indicated in the map in Appendix 4.

Policy 4

Defined Development Boundary for Godmanstone will be adopted and used in relation to future planning applications. The village should have incremental growth in character with its history and therefore proposals for new development will be need to demonstrate that they reflect the character and density of the existing settlement as a whole.

Policy 5

Planning applications for quality conversions of historic farm buildings, including barns, in rural areas should be favourably considered for residential and/or business uses, providing that the proposals are consistent with protecting the character and landscape quality of the Dorset Area Of Outstanding Natural Beauty.

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15th August 2014