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Report on the Charmouth Parish Neighbourhood Plan 2021 to 2035

An Examination undertaken for Dorset Council with the support of Charmouth Parish Council on the May 2021 submission version of the Plan.

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Date of Report: 28 October 2021

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Main Findings - Executive Summary

From my examination of the Charmouth Parish Neighbourhood Plan (CPNP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Charmouth Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Charmouth as shown on Map 3.1 (page 13) of the Plan;
- The Plan specifies the period during which it is to take effect: 2021 to 2035; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Charmouth Parish Neighbourhood Plan 2021–2035

- 1.1 Charmouth Parish, which has a population of 1,352,¹ contains the coastal village of Charmouth located about 4 km north-east of Lyme Regis and bypassed to the north by the A35. The village is sited at the mouth of the River Char and lies on the Jurassic Coast, which is a World Heritage Site, as well as being within the Dorset Area of Outstanding Natural Beauty (AONB). The landscape of the area is magnificent with the steep slopes and exposed strata of the cliffs and long views in each direction along the coast.
- 1.2 The Foreword to the Neighbourhood Plan describes the details of when the Plan was initiated and how it was prepared. The decision to prepare the Plan was made by Charmouth Parish Council (CPC) in 2014 when an application was made to the then West Dorset District Council (WDDC) to designate the Plan area which was approved in September 2014. This was followed by a village consultation event and the subsequent formation of a Steering Group to prepare the Plan. Various open events and consultation meetings were held and evidence was gathered. The CPNP was submitted to Dorset Council (DC) on 27 May 2021, representing over six years' work for those involved.

¹ 2011 Census: paragraph 3.2 of the Plan.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the CPNP by DC, with the agreement of CPC.
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - 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.

- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the area;
 - be compatible with and not breach European Union (EU) obligations (under retained EU law):² and
 - meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations').³

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Dorset Council, not including documents relating to excluded minerals and waste development, is the West Dorset, Weymouth and Portland Local Plan (WDWPLP) adopted in October 2015. The Local Plan was produced jointly by the former WDDC and Weymouth and Portland Borough Council (WPBC). It is being replaced by the Dorset Council Local Plan, consultation on the first draft of which closed in March 2021. The emerging Plan does not significantly alter the

² The existing body of environmental regulation is retained in UK law.

³ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

approach to development in rural areas such as Charmouth from that of the adopted Local Plan.

- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published in July 2021 and all references in this report are to the July 2021 NPPF and its accompanying PPG.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:
- the draft Charmouth Parish Neighbourhood Plan 2021–2035, dated May 2021;
 - the map on page 13 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, dated April 2021;
 - the Basic Conditions Report, dated March 2021;
 - the Strategic Environmental Assessment Screening Report, dated November 2018 and the Habitats Regulations Assessment, dated December 2019;
 - the supporting evidence documents;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the request for additional clarification sought in my letter of 18 August and the responses of 31 August from CPC and 3 September 2021 from DC; and
 - a further clarification/correction received from the Environment Agency, dated 7 September 2021.⁴

Site Visit

- 2.4 I made an unaccompanied site visit to the CPNP area on 17 August 2021 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received.

⁴ View at: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-council-planning-policy/neighbourhood-plans-in-dorset/charmouth-neighbourhood-plan>

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix to this report.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Charmouth Parish Neighbourhood Plan has been prepared and submitted for examination by CPC, which is a qualifying body. The CPNP extends over all the Charmouth Parish. This constitutes the area of the Plan designated by the former WDDC on 29 September 2014, replaced by Dorset Council on 1 April 2019 which carries over the statutory designation.

Plan Period

- 3.2 The Plan specifies the Plan period as 2021 to 2035.

Neighbourhood Plan Preparation and Consultation

- 3.3 In addition to the separate Consultation Statement (CS), the thorough consultation process includes a timeline of activities listed in Appendix D of the Plan. Plan preparation began in 2015 and 2016. A Steering Group held its first meeting on 18 January 2016 and has met regularly since then, normally every four to six weeks. Street interviews were conducted in August 2016. An Open Forum event was staged in February 2017 and a Village Survey subsequently distributed, which attracted a 30% response rate. A further Open Forum was held in March 2018 and the results of a Housing Needs Survey were also published in that month. A Service Provider Questionnaire was circulated in summer 2018.
- 3.4 Consultation on draft policies of the Plan was held with Dorset Council in June 2019, prior to which, in January 2019, there had been another Open Forum at which possible draft policies were discussed. Landowners who might be affected by the proposed policies were directly consulted in January and February 2020. The preparation of the Plan was aided by the publication of minutes of the Steering Group and other important documents on the Parish Council website. Copies of all relevant documents were placed in the local library and there have been regular updates in the village magazine "Shoreline". A Facebook account was also opened. Throughout the process of preparation, regular reports were made to the Parish Council and meetings were held with officers of Dorset Council.

- 3.5 The Pre-Submission Plan was published for consultation under Regulation 14 of the 2012 Regulations on 31 July 2020 for a period of six weeks until 11 September 2020. Pages 8 – 59 of the CS summarise the numerous responses from statutory consultees, members of the public and other stakeholders together with the response from the CPC and any proposed changes to the Plan.
- 3.6 The Plan was finally submitted to DC on 27 May 2021. Consultation in accordance with Regulation 16 was carried out from 18 June 2021 until 30 July 2021. 10 responses were received, in addition to which a letter was received from the Environment Agency dated 7 September 2021, correcting their response dated 10 August 2021. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the CPNP, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.9 The Basic Conditions Statement (BCS) advises that no issues have been raised in relation to the possible contravention of Human Rights and that, given the conclusions on the Plan's general conformity with the strategic policies of the Local Plan and regard to national planning policy, it is reasonable to conclude that the making of the Plan should not breach human rights. I am aware from the CS that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently and I have found no reason to disagree with the statement in the BCS and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 A screening assessment in relation to potential requirements for a Strategic Environmental Assessment (SEA) was undertaken by WDDC following the decision that the Neighbourhood Plan would not allocate sites for development. The details were submitted with the Plan in accordance with the legal requirement under Regulation 15(e)(i) of the

2012 Regulations.⁵ Natural England, Historic England, and the Environment Agency were consulted on the contents of the SEA screening report between 26 September and 24 October 2018. The determination made was that the Neighbourhood Plan would be unlikely to result in significant environmental impacts and therefore a full SEA would not be required.

- 4.2 A Habitats Regulations Assessment (HRA) was carried out by Dorset Council.⁶ European sites within the immediate vicinity which could possibly be affected by the policies of the Plan were considered. Certain sites were discounted because no pathways of impact were identified. Three Special Area of Conservation (SAC) were evaluated further, resulting in the conclusion that the Sidmouth to West Bay SAC was the only site which could be affected by the Plan. The HRA stated that a likely significant effect due to development from the following pathways could not confidently be ruled out, which were: pollution to groundwater (point sources and diffuse sources); human intrusions and disturbances; and urbanisation, industrial and similar activities.
- 4.3 The Appropriate Assessment of these likely significant effects determined that changes to the Plan were required to several policies in order to prevent an adverse affect on the integrity of the Sidmouth to West Bay SAC. The policies and the recommended changes are listed in Figure 3.4 of the HRA. The HRA concluded that providing the mitigation recommended is incorporated, it could be concluded that the Plan will not adversely affect the integrity of the SAC. The recommended mitigations were subsequently combined into a single policy (Policy HRA1) which was incorporated into the Regulation 14 pre-submission Plan, subject to statutory consultation and which then gained the support of Natural England.⁷
- 4.4 I have read the SEA Screening Report, the Habitats Regulations Assessment and the other information provided, and having considered the matter independently, I also agree with those conclusions. Therefore, I am satisfied that the CPNP is compatible with EU obligations.

Main Issues

- 4.5 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.

⁵ Strategic Environmental Assessment Screening (SEA) Screening Report: November 2018.

⁶ Habitats Regulations Assessment: December 2019.

⁷ Charmouth Parish Neighbourhood Plan Consultation Statement page 20 Policy HRA1.

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- 4.6 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.⁸
- 4.7 Accordingly, having regard to the Charmouth Parish Neighbourhood Plan, the consultation responses, other evidence⁹ and the site visit, I consider that the main issues in this examination are whether the CPNP policies (i) have regard to national policy and guidance, (ii) are in general conformity with the adopted strategic planning policies and (iii) would contribute to the achievement of sustainable development? I shall assess these issues by considering the policies within the themes in the sequence in which they appear in the Plan.

Vision and Objectives

- 4.8 The vision for the CPNP has five elements which are listed in Table 2.1:
- *to keep Charmouth's village feel but to encourage a small affordable housing development, particularly for families;*
 - *to protect its unique qualities, including natural beauty, local history and Jurassic coastline;*
 - *to maintain its ability to be self-sustaining by supporting retail units, local businesses and amenities in the village;*
 - *to continue to attract tourists and visitors and offer good facilities without being over-commercial;*
 - *to further Charmouth as a friendly, vibrant community and to meet the everyday needs of our residents.*

Each element of the vision then leads to a series of objectives. The subsequent policies in the Plan are derived from the objectives.

- 4.9 The twenty two policies are grouped within themes which reflect the vision and objectives and which serve as chapter headings: Heritage and History; Assets and Amenities; Natural Environment; Local Economy; Housing; Getting Around Charmouth; and Energy Efficiency and Coastal Change.

Heritage and History (Policy HH1)

- 4.10 Policy HH1 seeks to resist any development proposal which would directly or indirectly detract from the significance of locally important designated or non-designated heritage assets, including their settings. Subject to one criticism, the policy would have regard to national guidance, generally

⁸ PPG Reference ID: 41-041-20140306.

⁹ The other evidence includes the responses from CPC and DC dated 31 August and 3 September 2021 respectively, to the questions in my letter of 3 August 2021 (and the further clarification/correction received from the Environment Agency, dated 7 September 2021).

conform with Policy ENV4 of the WDWPLP and meet the Basic Conditions. My criticism is that national guidance for non-designated heritage assets is not to presume to resist proposals that directly or indirectly affect them, but to make a balanced judgement having regard to the scale of any harm or loss and the significance of the asset.¹⁰ Therefore, despite the reservations of the CPC in response to my question on the topic, I shall recommend modifying Policy HH1 so that it reflects the balanced judgement in the NPPF and so would have regard to national guidance and meet the Basic Conditions. **(PM1)**

Assets and Amenities (Policy AA1)

4.11 Policy AA1 aims to protect important community assets and amenities listed in Table 5.1 of the Plan. The policy has regard to national guidance,¹¹ generally conforms with Policy COM3 of the WDWPLP and meets the Basic Conditions.

Natural Environment (Policies HRA1, NE1, NE2, NE3, NE4, NE5, NE6 and NE7)

4.12 This section of the Plan includes eight policies derived from the objectives which are described immediately after Vision No.2. Policy HRA1 states that any development carried out must not adversely affect the integrity of the Sidmouth to West Bay SAC. Emphasis is then placed on items covered by seven further policies within the Plan. Therefore, Policy HRA1 has the function of mitigation for any adverse effects from those items. I note the support of Natural England for the policy as it is drafted. The policy has regard to national guidance,¹² generally conforms with Policy ENV2 of the WDWPLP and meets the Basic Conditions.

4.13 Policy NE1 aims to safeguard the landscape of the Parish. The policy has regard to national guidance,¹³ generally conforms with Policy ENV1 Of the WDWPLP and meets the Basic Conditions. Policy NE2 seeks to protect local views listed in Table 6.2 and shown on Map 6.2. I have two reservations about the policy: firstly, the phrasing of the text in the second bullet point; and secondly, the reference in the third bullet point to views from outside the Parish (i.e. the Neighbourhood Area).

4.14 The first criticism would be remedied by the inclusion of the test of significance to "development which would result in a negative effect ...". This would avoid any incursion into a view, however minor, preventing sustainable development which would otherwise not conflict with the development plan. Therefore, I shall recommend an appropriate modification to the policy. The second criticism would be rectified by the deletion of the final phrase in the policy, which I shall recommend. **(PM2)**

¹⁰ NPPF: paragraph 203.

¹¹ NPPF: paragraph 187.

¹² NPPF: paragraphs 179 & 181.

¹³ NPPF: paragraph 174.

Policy NE2 would then have regard to national guidance,¹⁴ generally conform with Policy ENV1 of the WDWPLP and meet the Basic Conditions.

- 4.15 Policy NE4 defines 15 Local Green Spaces (LGS1 – LGS15). LGS1 comprises highway verges at the western entrance to Charmouth and, according to the text in Table 6.5 was removed from the Plan following consultation with Highways England. However, it is still shown in Table 6.5 and on Map 6.5 and to avoid confusion I shall recommend both entries should be deleted from the Plan. In addition, the CPC Neighbourhood Plan Steering Group has requested that LGS2 should be reduced to reflect the land ownership of the National Trust rather than the site currently delineated in the Plan which includes additional adjoining land. I shall recommend that the area of LGS2 should be modified. Finally, after clarifying with DC the desirability for larger scale maps of each LGS to facilitate efficient development management, I shall recommend including such maps as an Appendix in the Plan. **(PM3)**
- 4.16 As explained in the NPPF, LGS designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.¹⁵ Having visited each LGS, especially enjoying a brisk and steep walk to LGS2, I consider that Policy NE4 has regard to national guidance, generally conforms with Policy ENV2 of the WDWPLP and meets the Basic Conditions. Accordingly, the sites listed in Table 6.5 (as modified by **PM3** above) should be designated as LGS.
- 4.17 Each of the four remaining policies in the Natural Environment section has regard to national guidance, generally conforms with the strategic policies of the WDWPLP, meets the Basic Conditions as described in the table below and are not the subject of any recommended modifications.

CPNP Policy	Topic	NPPF paragraph	WDWPLP Policy
NE3	Biodiversity and Natural Habitats	174, 180	ENV2
NE5	Street Lighting and Light Pollution	185	ENV16
NE6	Pollution	185	ENV16
NE7	Land Instability and Geology	174, 179	ENV7

¹⁴ NPPF: paragraph 176.

¹⁵ NPPF: paragraph 102.

Local Economy (Policies BET1, BET2 and BET3)

- 4.18 Policy BET1 seeks to safeguard Charmouth’s retail hub by resisting the loss of commercial uses. Given the changes of use to housing development now permitted under the General Permitted Development Order, I asked DC as the local planning authority whether the policy ought to be rephrased. DC responded that the location of Charmouth within the AONB means that certain permitted development rights do not apply and asked that the policy remains as currently written. I agree and consider that the policy has regard to national guidance,¹⁶ generally conforms with Policy COM3 of the WDWPLP and meets the Basic Conditions.
- 4.19 Policy BET2 supports premises for new small-scale businesses. Policy BET3 supports the re-use of farm and rural buildings for small-scale business purposes. Each policy has regard to national guidance,¹⁷ generally conforms with Policy ECON1 of the WDWPLP and meets the Basic Conditions.

Housing (Policies H1, H2, H3, H4 & H5)

- 4.20 Policy H1 supports new housing development provided it does not harm the natural and built environment and meets criteria listed in four bullet points. An indicative housing requirement is included for Charmouth of 54 dwellings for the period 2021 to 2038.¹⁸ However, the Basic Conditions Report states that the indicative housing target has been revised to 44 dwellings, adjusted for corrections in extant consents and reflecting the shorter Plan period. Nevertheless, no further allocations have been made. None have been sought in the Regulation 16 consultation procedure and Dorset Council does not suggest that the housing policies are not in general conformity with strategic policies.
- 4.21 Returning to Policy H1, I note that, in the first bullet point, the Plan only supports “small” sites within the Defined Development Boundary which is more restrictive than Policy SUS2 of the WDWPLP. However, as DC indicate in their Regulation 16 representation, the use of the word “should” as defined in paragraph 2.8 of the Plan, offers reasonable flexibility. Therefore, I agree that this element of the policy generally conforms with the strategic policies of the Local Plan.

¹⁶ NPPF: paragraph 84.

¹⁷ NPPF: paragraphs 84 & 85.

¹⁸ Dorset Local Plan Options Consultation Document: Appendix 1 Strategic and non-strategic policies. Table A2.

Paragraph 1.1.1 “The housing requirement figures for designated neighbourhood plan areas is the sum of completions since the beginning of the plan period; extant planning permissions; adopted housing allocations; capacity on major sites (of 10 or more dwellings) within development boundaries as evidenced through the SHLAA; and a windfall allowance on minor sites (of less than 10 dwellings). The proposed housing allocations within this draft local plan have been included within this total.”

- 4.22 The second bullet point refers to rural exception sites and generally conforms with Policy HOUS2 of the WDWPLP. The third bullet point supports redevelopment of a brownfield site which is not of a high environmental quality which generally conforms with Policy ENV15 of the WDWPLP. Bullet point four requires that the new housing development will contribute to Charmouth's housing need as reflected in the latest Housing Needs Statement and generally conforms with SUS5 of the WDWPLP. I consider that Policy H1 also has regard to national guidance¹⁹ and meets the Basic Conditions. Although DC raised an issue about the use of the term "starter homes", as opposed to the more recent "First Homes", the Council recognised that the NPPF uses the former term and I do not object to its use in the Plan, either in Policy H1 or the first bullet point of Policy H2.
- 4.23 Policy H2 considers affordable housing and includes seven bullet points. I note that bullet point 2 seeks 35% of the housing development to be affordable which is consistent with Policy HOUS1 of the WDWPLP and that, although the policy indicates a threshold of 3 dwellings which is lower than the 6 to 9 dwellings approved by WDDC in 2016, paragraph 8.14 of the CPNP justifies the lower threshold as provided for in NPPF paragraph 64.
- 4.24 In relation to bullet point 3, DC refers to the Ministerial Statement of 24 May 2021 about First Homes. However, the PPG advises that neighbourhood plans submitted for examination before 28 June 2021, or that have reached publication stage by 28 June 2021 and subsequently submitted for examination by 28 December 2021, will not be required to reflect the First Homes policy requirement.²⁰ Therefore, I do not consider the matter any further. At bullet point 4, CPC have argued that flexibility as sought by DC is already built into the policy by use of the word "should". I see no reason to change "cap" to "maximum", a word of similar meaning.
- 4.25 Having regard to the complex process of establishing local connections for affordable housing, I consider the marketing period in the Plan is more reasonable than the 4 weeks suggested by DC. However, I have reservations about the definition of the "Charmouth Connection" provided for in Policy H2 and then set out in the Glossary in the Plan. DC would prefer a cross reference to the Dorset Council Housing Allocations Policy (DCHAP). In my opinion, this describes in more detail the qualifying criteria for a local connection and also, of equal importance, the reasonable exceptions to the allocations policy. However, I consider two definitions of a local or Charmouth connection would be confusing and I shall recommend focussing on the DCHAP in an appropriate modification to the Plan Glossary. **(PM4)** Policy H2 would then have regard to national

¹⁹ NPPF: Section 5 Delivering a sufficient supply of homes.

²⁰ PPG Reference ID: 70-18-20210524.

guidance,²¹ would generally conform with Policies HOUS1 and HOUS2 of the WDWPLP and meet the Basic Conditions.

- 4.26 Policy H3 is titled Benefitting from New Housing and comprises two bullet points. The first bullet point aims to restrict new housing to those who wish to use it as a principal residence, the justification for which is explained in paragraphs 8.22 – 8.24 of the Plan. Although not opposing the policy, a note of caution was expressed by DC that such a condition on new housing would tend to put additional demands on existing dwellings to be used as second homes, a view with which I agree. Nevertheless, I support the assertion in the Plan that uncontrolled growth of second homes/holiday lets can damage an otherwise sustainable community. I also note the trend illustrated by the Census data from 2001 and 2011 which shows a decline in dwellings with permanent households; the number of household spaces in Charmouth with “no usual residents” increasing by about 60%.
- 4.27 Accordingly, I find that the evidence in favour of a principal residency policy is compelling. I consider that this section of Policy H3 has regard to national guidance,²² generally conforms with Policy HOUS3 of the WDWPLP and meets the Basic Conditions.
- 4.28 The second bullet point of Policy H3 aims to protect the stock of new small homes. The parameters set by the policy are extremely restrictive and are, in effect, to limit extensions to houses built after 2020 to that which is permitted under the General Permitted Development Order. I consider that this element of the policy is unacceptably restrictive and also illogically excludes dwellings built before 2020, some of which may also be considered small. The policy would not generally have regard to Policy ENV15 which seeks to optimise the potential of the site and make efficient use of land, subject to the limitations inherent in the site and impact on local character. In my opinion, should extensions be proposed which are deemed to be too large, the application of Policies ENV12 and ENV16 of the WDWPLP would avoid harm to the character and appearance of the area and avoid harm to neighbours. I recommend that the second bullet point is deleted from the policy. **(PM5)**
- 4.29 Policy H4 considers the form and layout of new housing development. The policy has regard to national guidance and generally conforms with Policy ENV12 of the WDWPLP with the exception of the final two bullet points. I consider that the penultimate bullet point is unacceptably restrictive. I appreciate the explanation in paragraph 8.31 of the Plan of the need for small homes not to be replaced by those which would be significantly larger. However, other clauses in Policy H4 will control the impact of development on openness, the prevailing settlement pattern, compatibility with surroundings, garden size and impact on neighbours’ amenities. I consider that these parts of the policy should prevent the development of

²¹ NPPF: paragraphs 62 & 63.

²² NPPF: paragraphs 56 & 78.

dwelling(s) which are too large. Furthermore, the policy has to be balanced with the need to optimise the use of land as sought in Policy ENV15 of the WDWPLP and paragraphs 124 and 125 of the NPPF.

- 4.30 The final bullet point supports additional houses as a replacement of an existing house in a disproportionately large plot, subject to criteria. I consider that the phrase “disproportionately large” is too ambiguous for effective development management and other elements of Policy H4 would effectively control any dwelling(s) which could be judged to be too large. Therefore, I shall recommend the deletion of the final two bullet points. **(PM6)** Subject to the recommended deletions, the policy would meet the Basic Conditions.
- 4.31 Policy H5 deals with housing design and has regard to national guidance,²³ generally conforms with Policy ENV12 of the WDWPLP and meets the Basic Conditions.

Getting Around Charmouth (Policies GA1 and GA2)

- 4.32 Policy GA1 seeks to safeguard existing footpaths and considers design factors in the provision of new ones. The policy has regard to national guidance²⁴ and generally conforms with Policies COM7 and ENV11 of the WDWPLP and meets the Basic Conditions.
- 4.33 Policy GA2 considers car parking. The policy has regard to national guidance,²⁵ generally conforms with Policy ENV15 and meets the Basic Conditions. DC commented that the proposed approach to parking standards differs from that in the Bournemouth, Poole and Dorset Residential Car Parking standards.²⁶ However, it seems to me that because Policy GA2 sets a minimum of 2 spaces for each dwelling with 2 or more bedrooms or 1 space if smaller, it enables the above Standards to be met (paragraph 3.1.3 Table 1) if justified by the circumstances of the particular case, except in the case of two bedroomed properties where the Standards recommend 1 or 2 spaces. I am satisfied that the evidence in paragraphs 9.37–9.40 of the Plan justifies the marginally higher parking requirement in Policy GA2. Therefore, I see no reason to recommend a modification to the policy.

Energy Efficiency and Coastal Change (Policies CC1 and CC2)

- 4.34 Policy CC1 considers energy efficiency in buildings and has regard to national guidance,²⁷ generally conforms with Policy ENV13 of the WDWPLP and meets the Basic Conditions.

²³ NPPF: 12 Achieving well designed places.

²⁴ NPPF: paragraph 11.

²⁵ NPPF: paragraphs 104.

²⁶ Residential Car Parking Provision: Local Guidance for Dorset 2011.

²⁷ NPPF: paragraphs 152 & 157.

- 4.35 Policy CC2 deals with coastal change and flooding. It comprises three bullet points. The second and third bullet points consider coastal relocation in the event of there being no prospect of improvements to coastal defences to safeguard relevant premises. This part of the policy has regard to national guidance,²⁸ generally conforms with Policy ENV7 of the WDWPLP and meets the Basic Conditions.
- 4.36 The first bullet point of Policy CC2 supports any engineering works which maintain or enhance coastal or upstream defences in order to safeguard existing foreshore premises and Charmouth's long term future. Policy ENV7 of the WDWPLP indicates that the (joint) councils will identify Coastal Change Management Areas (CCMA) through a policy document, based on the Shoreline Management Plan (SMP) and supporting evidence.
- 4.37 The NPPF advises that advises that the aim of the policy on coastal change is to reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast.²⁹ The PPG also advises that in the preparation of CCMA, local planning authorities should demonstrate that they have considered the SMP which provide a large-scale assessment of the risks associated with coastal processes and should provide the primary source of evidence in defining the CCMA and inform land allocation within it.³⁰ The Coastal Change Background Paper 2017 for the Joint Local Plan Review for West Dorset, Weymouth and Portland 2017 recommended the establishment of a CCMA for most of the coast in the Local Plan area.
- 4.38 SMP2 prepared for the South Devon and Dorset coastline falls (confusingly) within the much larger SMP16 Durlston Head to Rame Head. SMP2 states that the preferred policy for the section of coast including Charmouth is for no active intervention in the short (2005–2025), medium (2025–2055) term or long (2055–2105) term.³¹ However, Policy Unit reference 6a18 (page 157) also indicates a short term policy to "hold the line of the existing defences along the open coast at Charmouth...". The SMP recognises that at Charmouth and the eastern side of Lyme Regis, there is a need to address the increasing risk of further recession of the landslide complexes causing outflanking or even loss of the presently defended areas.³² In addition, reference is made in 6a18 to the managed realignment within the River Char which would enable the beach to roll back and adapt naturally into the river channel in response to rising sea levels.
- 4.39 DC suggested that support for proposals to maintain coastal defences would be inconsistent with those in the SMP and out of step with the thrust of national planning policy. Moreover, there is no funding available

²⁸ NPPF: paragraph 171.

²⁹ NPPF: paragraph 171.

³⁰ PPG Reference ID: 7-072-20140306.

³¹ South Devon and Dorset Shoreline Management Plan (SMP2) Policy Statements Part 1 pages 163-164.

³² SMP2 The Preferred Plan: paragraph 4.1.6 page 34.

now or in the future and, in any event, costs would be prohibitive and therefore such coastal defence work would be unrealistic. However, I agree with the gist of the response by CPC that the Plan merely states that any coastal defence work which is proposed would be supported.

- 4.40 Whether funding becomes available is not an issue for the Plan and, in any event, there could be a wide variety in the scale of any works proposed, from large publicly funded coastal engineering schemes to much smaller minor works which would probably be a short term temporary expedient, perhaps prior to eventual relocation of premises and might be privately funded. For example, there could be works proposed which could delay erosion at a specific site near the foreshore or to protect vulnerable private property, in which case, in my opinion, it would be reasonable to include in the Plan the policy to support it, subject to certain criteria.
- 4.41 Policy CC2 supports coastal defence and upstream defence works provided there is no significant impact on the environment. I consider the environmental test should be more explicit and should include, where appropriate, a vulnerability assessment, the details of which are in PPG,³³ and which would enable the examination of the effects of a proposal on the natural balance and stability of the coastline and whether the rate of shoreline change to the extent that changes to the coastline are increased nearby or elsewhere would be exacerbated. I shall recommend such a modification. **(PM7)** Policy CC2, as a whole, would then have regard to national guidance, generally conform with Policy ENV7 of the WDWPLP and meet the basic Conditions.

Overview

- 4.42 Accordingly, on the evidence before me, with the recommended modifications, I consider that the policies within the CPNP are in general conformity with the strategic policies of the WDWPLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.43 Chapter 11 of the Plan deals with the implementation and monitoring of the Plan and refers to Village Improvements and Actions: Appendix G. These topics do not fall within the tests of whether the Basic Conditions are met but they are further evidence of the thoroughness with which the Plan has been prepared.
- 4.44 A consequence of the acceptance of the recommended modifications would be that amendments would have to be made to the explanation within the Plan in order to make it logical and suitable for the referendum. These might also include incorporating factual updates, correcting minor inaccuracies, revising references to the NPPF (2021) updated paragraph numbers or text improvements suggested helpfully by DC, especially to

³³ PPG Reference ID: 7-074-20140306.

the section on coastal change. None of these alterations would affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.³⁴

5. Conclusions

Summary

- 5.1 The Charmouth Parish Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the CPNP, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a small number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The CPNP as modified has no policy or proposal which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Concluding Comments

- 5.4 The Parish Council and voluntary contributors are to be commended for their efforts in producing a comprehensive Plan which is professionally presented with excellent accompanying documentation and a format which is worthy of its role as part of the Development Plan. It is an extremely well structured and informative Plan which I enjoyed examining. The associated statements were extremely useful. The high quality of the Plan is demonstrated by the small number of recommended modifications (necessary to meet the Basic Conditions) to only six of the twenty-two policies (and one to the Glossary). With those modifications, the CPNP will make a positive contribution to the Development Plan for the area and should enable the unique coastal character and appearance of Charmouth Parish to be maintained.

³⁴ PPG Reference ID: 41-106-20190509.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Policy HH1	Delete second bullet point and replace with: “Any development proposal which would directly or indirectly detract from the significance of locally important designated heritage assets, including any contribution made by their setting will be resisted. In considering applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.”
PM2	Policy NE2	Rephrase second bullet point to: “Development which would result in a significant negative effect ...” Delete from the third bullet point: “... and outside ...”.
PM3	Policy NE4	Table 6.5: Delete LGS1. Amend the Map of LGS2 to that shown on the Regulation 16 representation from the Charmouth Neighbourhood Plan Steering Group. Attach as an Appendix to the Plan larger scale plans of each LGS as shown in the Local Green Spaces Report.
PM4	Glossary	Redefine Charmouth Connection as: “To be used in legal agreements to determine how affordable housing should be allocated: Charmouth Connection is a person who satisfies the local connection criteria of the Dorset Housing Allocations Policy 2021 - 2026. The criteria shall be applied firstly to those with a connection to the parish of Charmouth. The local connection may be extended to the adjoining rural parishes which Charmouth serves as a community service centre if there are no people with a

		connection to Charmouth Parish, and then to the rest of the Dorset Council area.”
PM5	Policy H3	Delete the second bullet point.
PM6	Policy H4	Delete the final two bullet points.
PM7	Policy CC2	Amend the first bullet point to: “... providing there is no significant effect on the environment and, where appropriate, the submission of a vulnerability assessment.”