

LYTCHETT MATRAVERS NEIGHBOURHOOD PLAN

Lytchett Matravers Neighbourhood Plan Examination,
A Report to Purbeck District Council

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1. Introduction

The Neighbourhood Plan

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in *italics*.

This examination follows a previously commenced examination by another Independent Examiner. This was carried out during the latter half of 2016. Unfortunately, due to illness, this previous examination was not completed.

This Report provides the findings of the examination into the Lytchett Matravers Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”
(Paragraph 183, National Planning Policy Framework)

The Lytchett Matravers Neighbourhood Plan Group was established, by Lytchett Matravers Parish Council, in order to prepare the Neighbourhood Plan. Lytchett Matravers Parish Council is the *qualifying body* responsible for the production of the Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Purbeck District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Lytchett Matravers Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Purbeck District Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Lytchett Matravers Neighbourhood Area to which the Plan relates.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan is not entirely clear in this regard, as it states:

"...to 2031 and beyond."

Further, the Executive Summary on page 2 of the Neighbourhood Plan refers to:

"...the next 15 to 20 years."

Taken together, I find that the approach fails to provide certainty in respect of the plan period. Therefore, for clarity, I recommend:

- **Front cover, change to "...to 2031" (delete "and beyond")**
- **Page 2, change to: "...grow and develop over the plan period to 2031."**

Subject to the above recommendations, the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of all of the relevant information, I am satisfied that people have had a fair chance to put their case and that the examination of the Lytchett Matravers Neighbourhood Plan can be concluded without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.²

An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.³

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

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

² Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

³ The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the content of this Report, I am satisfied that these three points have been met.

In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

I note later in this Report that the Consultation Statement demonstrates that people were provided with a range of opportunities to engage with plan-making in various different places at different times. Representations have been made to the Plan, some of which have resulted in changes to the Neighbourhood Plan and these are indicated in the Consultation Statement. Plan-makers also provided reasoning to explain why not all representations resulted in changes.

European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁴. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

With the above in mind, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.

“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.” (Planning Practice Guidance⁵).

This process is often referred to as a screening report, opinion, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared. Also, a Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

Section 5.0 of the Basic Conditions Statement submitted by Lytchett Matravers Parish Council considers the Habitats Directive and the effect of the Neighbourhood Plan on the environment, and states that:

⁴ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance

⁵ Paragraph 027, *ibid*

“The LMNP will not result in the creation of new housing above and beyond that which would be developed in its absence. There is no direct impact on strategic transport in the area and traffic levels will be unaffected by the introduction of the LMNP.

Similarly and for the same reasons the LMNP will not result in significant environmental effects, it therefore does not require a Strategic Environmental Assessment...The conclusion is that neither a more detailed Habitat Regulations Assessment nor Strategic Environmental Assessment is required.”

This conclusion is supported by the responses from the three statutory consultees, Natural England, Historic England and the Environment Agency.

Whilst Purbeck District Council did not publish a formal screening opinion, it did issue a report entitled *“Lytchett Matravers Neighbourhood Plan Legal Compliance Check and Decision Statement (February 2016).”* This agreed with conclusions of Lytchett Matravers Parish Council and those of the statutory bodies, above, in respect of a Strategic Environmental Assessment not being required.

National guidance establishes that ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations is placed on the local planning authority,

“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance⁶)

In undertaking the work that it has, Purbeck District Council has considered the Neighbourhood Plan’s compatibility with EU obligations and has raised no concerns in this regard.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

⁶ Paragraph 031, Reference: 11-031-20150209, Planning Practice Guidance

3. Background Documents and the Lytchett Matravers Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the Lytchett Matravers Neighbourhood Plan. This has included the following main documents:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- Purbeck Local Plan Part 1 (2006-2027) (referred to as “the Local Plan”)
- Basic Conditions Statement
- Consultation Report

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Lytchett Matravers Neighbourhood Area.

Lytchett Matravers Neighbourhood Area

A plan showing the boundary of the Lytchett Matravers Neighbourhood Area is provided in the Appendices of the Neighbourhood Plan. However, as a plan of the Neighbourhood Area is an essential consideration – as it shows the area covered by the Neighbourhood Plan’s Policies, it is important that it comprises part of the document itself, rather than an Appendix to it.

I recommend:

- **Move the plan shown in Appendix A to a convenient location in the opening pages of the Neighbourhood Plan. It is proposed that the Map moves to page 7 and that the associated text should change from “(see map in Appendix A)” to “(see map below)”**

The Neighbourhood Area coincides with the Lytchett Matravers Parish Boundary. Purbeck District Council approved the designation of Lytchett Matravers as a Neighbourhood Area on 9 April 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Lytchett Matravers Neighbourhood Plan Consultation

A Consultation Statement was submitted to Purbeck District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*⁷.

Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for Lytchett Matravers, having regard to Paragraph 183 of the Framework.

The Neighbourhood Plan was produced by the Lytchett Matravers Neighbourhood Planning Group. In December 2013 and January 2014, a comprehensive questionnaire (presented in the Consultation Statement) was distributed. In April 2014, the results of the questionnaire were presented at the Annual Parish Meeting.

A further questionnaire, for parents of children at the village primary school was also distributed and the results collated and fed into the plan-making process.

The village newsletter, "*the Lytchett Link*," which is hand-delivered to local residents, was used to publicise events and to provide updates relating to the emerging plan.

⁷Neighbourhood Planning (General) Regulations 2012.

The draft plan was prepared and consulted upon in June and July 2015. During the consultation period, eight separate public consultation sessions were held at the village library, to encourage people to consider and make representations to the draft plan. A member of the Lytchett Matravers Neighbourhood Planning Group was present at each of the sessions.

In addition, the Lytchett Matravers Neighbourhood Planning Group consulted 50 external agencies and posted a hard copy of the draft plan to 7 of these.

A total of 18 responses to the draft plan were received. These were considered and the Submission version of the Neighbourhood Plan was produced.

Evidence has been provided to demonstrate that the plan-making process was well publicised. In addition to all of the above, consultation was advertised on notice boards around the village and a dedicated website was created.

Taken together, the information provided demonstrates that community engagement was encouraged throughout the plan-making process, that matters raised were duly considered and that the reporting process was transparent.

I am satisfied that the consultation process was robust.

5. The Neighbourhood Plan – Introductory Section

The Basic Conditions require consideration of whether the Neighbourhood Plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies of the Local Plan.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. This Chapter considers the Introductory Section of the Neighbourhood Plan.

The legislation behind Neighbourhood Planning underpins the power of communities to plan for themselves and it is important that it is interpreted clearly. The Glossary does not quite reflect the legislation and I recommend:

- **Glossary references to the National Planning Policy Framework and the Local Plan, change to: “*must have regard to*” and “*must be in general conformity with,*” respectively**

Page 6 includes a reference to a time-period not related to the Neighbourhood Plan. I recommend:

- **Page 6, last paragraph, change to “...want their community to *develop in ways that meet identified...*”**

The second paragraph on Page 7 is incorrect. Planning permission results from a planning application, not the adoption of a local plan. Further, much of Section C on page 7 is concerned with District-wide and not Neighbourhood Plan issues. This introduces unnecessary and overly-complicated information and detracts from the clarity of the Neighbourhood Plan, Further, the effect of this exacerbated by repetition in Section D that follows. I recommend:

- **Section C, delete everything after the first paragraph and add “*Green Belt review is a District-wide planning matter and the Neighbourhood Plan does not seek to alter the Green Belt.*”**

Section D focuses on what the Neighbourhood Plan cannot do and even goes so far as to indicate which sites residents prefer, whilst at the same time stating that the Neighbourhood Plan cannot allocate sites.

There are infinite matters that a Neighbourhood Plan cannot cover and the approach set out in Section D is as confusing as it is unnecessary. It detracts from the clarity of the Neighbourhood Plan as a whole.

I recommend:

- **Delete Section D**

Section E contains more repetition. It again focuses on District-wide planning matters, rather than on the Neighbourhood Plan. Whilst contextual information can be helpful, Section E appears to get wrapped up in matters of detail and conjecture, relating to things outside the scope of the Neighbourhood Plan, and setting out information which is already out of date.

Rather than contain planning policies that apply “*over and above*” Local Plan policies, as stated on page 9, a made neighbourhood plan becomes part of the development plan, the policies of which must be considered as a whole.

In addition to the above, Section E does not reflect, and is not reflected by, the Policies that follow. Also, there is no need for the Neighbourhood Plan to set out reasons why “*major growth*” is not appropriate for Lytchett Matravers. In this regard, the Neighbourhood Plan is again confusing, as it dedicates almost a page to justifying why it has not prepared for “*major growth*.” There is no reason for the Neighbourhood Plan to prepare for major growth and more fundamentally, it does not seek to do so.

Made neighbourhood planning policies are not “*a checklist*” and are not the same as, or similar to, non-statutory “*Principles*.” The last paragraph of Section E2 is confusing in this regard.

Section E3 is also confusing. Rather than simply not comprising “*prescriptive policies*” the “*Strategic Village Improvements*” set out in the Neighbourhood Plan have no statutory Policy status at all. Given that the “*Strategic Village Improvements*” have been numbered such that they could be confused with the Neighbourhood Plan’s Policies, I recommend, below, that they instead form part of an Appendix to the Neighbourhood Plan itself.

It is noted that Community Infrastructure Levy (CIL) does not necessarily replace all aspects of a Section 106 Agreement and was not “*previously known as section 106 funding*,” as suggested.

It is also noted that Section E5 part 2 includes a detailed table more suited to the Consultation Statement.

Taking all of the above into account, I recommend:

- **Delete Section E1, including section title and replace with:**

“The review of the Purbeck Local Plan Part 1 (2012) is underway and is due to be published around the end of 2017. Whilst development areas are yet to be determined, Purbeck District Council has identified a number of potential areas for development in the green belt surrounding Lytchett Matravers.

The LMNP sets out Development Management Policies to ensure that new development reflects local character and integrates well with the village.”

- **Delete the title of Section E2 but retain the text, with the exception of the last paragraph which should be deleted (“With this in mind...criteria.”)**
- **Follow this with “The Neighbourhood Plan is supported by an Appendix, entitled “Strategic Village Improvements.” These provide a guide in respect of how any Community Infrastructure Levy (CIL) and other funding might be used for the benefit of the community.”**
- **Delete Section E3 and title and provide the text, but not title, from Section E4, excluding the final sentence, which should be deleted.**
- **The text and titles in Section F1 and F2 should be retained, but the table showing the timings of the eight open sessions should be deleted.**
- **Sections F3 to F7 inclusive, including titles, should be deleted**
- **Section F8, excluding the title, should be retained.**

Section 2, on pages 14 and 15 provides an informative, interesting commentary, which is distinctive to Lytchett Matravers. No changes to this Section, or the remaining non-Policy parts of the Neighbourhood Plan, are recommended.

6. The Neighbourhood Plan – Neighbourhood Plan Policies

A. Safeguarding our Assets

Policy 1

Planning Practice Guidance establishes that:

“A policy in a neighbourhood plan should be clear and unambiguous. It 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. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”⁸

Policy 1 is confusing as it seeks to address three entirely different matters – safeguarding land from harm, maximising opportunities for infrastructure improvements and implementing mitigation prior to occupation of a site.

Taking each of these matters in turn, national land use planning policy is underpinned by the need for sustainable development. It may be possible for a development to result in an element of harm, but still to be sustainable due to the degree of harm being outweighed by benefits arising. The general approach of the first part of Policy 1 does not provide for such sustainable development, but simply withdraws support for any development resulting in any kind of harm. Such a “blanket approach” could serve to prevent development that is sustainable from coming forward and in this way, Policy 1 does not contribute to the achievement of sustainable development.

Further to the above, the Policy refers to various areas of land, none of which are defined within the Neighbourhood Plan, but which are listed in the Appendices. Whilst the Glossary defines the terms “Green Spaces,” it does not define “Communal Assets” or “Green Assets” and it is unclear what these provide for. This becomes more confusing when considering the list in Appendix E. For example, it is not entirely clear why a local business might be a Communal Asset.

⁸ Paragraph: 042 Reference ID: 41-042-20140306

Notwithstanding this, it is unclear on what basis Policy 1 is seeking to protect Green Spaces, Communal Assets and Green Assets. The National Planning Policy Framework (the Framework) does set out a very clear mechanism, in Paragraphs 76-78, for neighbourhood plans to protect areas of Local Green Space. However, Policy 1 does not have regard to the Framework's requirements in respect of Local Green Space.

Similarly, Assets of Community Value are afforded a considerable degree of statutory protection, but there is no indication that any of the locations identified in Appendix E comprise such Assets of Community Value.

Consequently, the first part of Policy 1 is vague and imprecise.

The second part of Policy 1 requires developers to "*maximise the opportunities for infrastructure improvements identified in this plan.*" However, it is not clear why developers should need to do this, or what, precisely, the "*opportunities*" comprise and why it would be appropriate, in all cases, for a developer to "*maximise*" these – or even what maximising opportunities would comprise in practice.

Paragraph 173 of the Framework requires:

"...careful attention to viability and costs in plan-making."

It goes on to require plans to be deliverable and viable. There is no evidence that Policy 1 has taken deliverability or viability into account. Rather, it presents a vague requirement and taking the above into account, it does not provide a decision maker with a clear indication of how to react to a development proposal.

The final part of the Policy requires "*any site specific mitigation*" to be implemented "*prior to occupation.*" Without any evidence to the contrary, there is uncertainty over whether, in all circumstances, it would be sustainable for mitigation to be implemented prior to occupation. The Neighbourhood Plan does not allocate any development sites and does not set out site specific mitigation and this part of the Policy is not supported with any appropriate supporting evidence.

Policy 1 does not meet the basic conditions.

I recommend:

- **Delete Policy 1 and supporting text**

B. Public Engagement and Delivery of Vision and Objectives

Policy 2

Whilst Paragraphs 188 - 195 of the Framework encourage appropriate public consultation, the statutory requirements for consultation are set out in planning legislation via the *Town and Country Planning (Development Management and Procedure) (England) Order 2015*. This does not permit the imposition of further statutory requirements by a neighbourhood plan. Consequently, in seeking to impose an additional requirement upon developers, the first part of Policy 2 does not have regard to national policy and does not meet the basic conditions.

Further to the above, it is not clear why development (for two or more dwellings, or for any other development) must contribute towards the provision of infrastructure and services. In any case, this part of Policy 2 fails to provide an indication of what any such requirements will comprise, how they will be measured, who by and on what basis, and why they are necessary. Consequently, there is no evidence to demonstrate that the requirements of Policy 2 have regard to Paragraph 173 of the Framework, referred to earlier in this Report.

Part of the supporting text above Policy 2 reads as though it comprises a Policy of the Neighbourhood Plan, which it does not. I address this in the recommendations below.

Part of the aim of Policy 2 is to encourage developers to respond to those aims and requirements of the Neighbourhood Plan that encourage sustainable development. Taking this and the above into account, I recommend:

- **Replace the text of Policy 2 with “*Applicants are encouraged to demonstrate how the proposal meets with the development principles, vision and objectives in this LMNP.*”**
- **First paragraph of supporting text, fourth line, change to “*...need and demand and provide appropriate infrastructure, taking into account demographic trends and providing for the elderly.*”**
- **Second paragraph of supporting text, second line, change to “*...”village, Lytchett Matravers Parish Council will seek to work with Purbeck District Council and encourage public consultation prior to the submission of planning applications, and the taking of opportunities to improve the village, where possible.*”**

C. Good Design

Policy 3

Good design is recognised by national policy as comprising

“a key aspect of sustainable development...indivisible from good planning.”
(Paragraph 56, The Framework)

In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework).

Paragraph 58 of the Framework goes on to require development to:

“...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;”

In addition, Local Plan Policy D (*Design*) recognises the importance of good design along with the fundamental role that local character has to play in determining the quality and distinctiveness of a place.

To some degree, in promoting good design, Policy 3 has regard to national policy and is in general conformity with the strategic policies of the Local Plan. However, whilst it might encourage the provision of a design statement, the Neighbourhood Plan cannot impose a requirement for a design statement to be submitted alongside all applications for development. This would go beyond the requirements relating to planning applications, as established through legislation and no substantive evidence has been provided in justification of such a departure.

The general design ambitions of Policy 3 are directly related to the *“Development Principles”* set out in Section I of the Neighbourhood Plan. However, as provided, Section I is unclear. The supporting text reads as though it comprises a Policy in the Neighbourhood Plan, which it does not; and the *“Principles”* are placed in a blue Policy box, but they do not form part of a Policy. I address these matters in the recommendations below.

Part of the supporting text to Policy 3 reads as though it comprises a Policy, which it does not. I also note that, where appropriate, identifying *“materials”* already comprises a requirement of a planning application.

Taking the above into account, I recommend:

- **Policy 3, re-word as “*Applicants are encouraged to demonstrate how, where possible and appropriate, proposals incorporate the Local Design Principles, identified in the supporting text, above.*”**
- **Delete last paragraph of supporting text on page 19**
- **Section I, delete supporting text. Move the text in the blue box to the supporting text above Policy 3. Remove the blue box and grey background and replace “Principles for new all (sic) development” with “*Local Design Principles.*”**

D. Home Zones

Policy 4

Paragraph 39 of the Framework states:

“If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- *the accessibility of the development;*
- *the type, mix and use of development;*
- *the availability of and opportunities for public transport;*
- *local car ownership levels; and*
- *an overall need to reduce the use of high-emission vehicles”.*

Whilst Policy 4 seeks to impose parking standards, there is no evidence that the requirement has regard to Paragraph 39, above. This could result in Policy 4 supporting unsustainable forms of development and no substantive evidence is provided to demonstrate that this is not the case or to justify the approach taken.

Home Zones can provide for a safer environment within residential areas. However, it may be that the provision of a Home Zone is unsuitable, or simply unviable, for all residential developments with new internal roads and there is no evidence to the contrary. Consequently, the requirements of Policy 4, as set out, are not supported by appropriate evidence contrary to national advice.

I recommend:

- **Replace text of Policy 4 with “*New development that involves the creation of new internal roads will be encouraged to introduce shared spaces and speed limits, utilising the principles of “Home Zones.”*”**
- **First paragraph of supporting text, change to “*The Parish Council will seek to encourage internal access roads to be designed to minimise...spaces.*” Delete rest of paragraph, together with the second paragraph (retain third paragraph).**

E. Protecting the Environment

Policy 5

As worded, Policy 5 could result in unforeseen circumstances. The Policy affords unfettered support to any form of development, so long as it provides trees and open spaces, with connectivity between spaces and public access. A more appropriate form of wording, to more accurately reflect the aims of the Policy, is recommended below.

The Policy refers to “*Important hedgerows*” but fails to distinguish between important and unimportant hedgerows. This part of the Policy is imprecise and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

It is not clear why all development proposals that do not incorporate open spaces connected with other spaces in the village, trees and public access should need to demonstrate why this is the case. Such matters will have little if any relevance to the majority of development proposals – for example, household extensions, new signage and other forms of minor development.

This part of the Policy fails to have regard to Paragraph 193 of the Framework, which requires that requests for supporting information are limited to that which is:

“...relevant, necessary and material to the application in question.”

Subject to taking the above into account, the Policy presents a positive approach to biodiversity. I recommend:

- **Policy 5, change to “*The provision of open spaces, corridors, trees and hedgerows within new developments is encouraged, especially where these provide for public access and connectivity with other spaces in the village. Planting programmes for new developments should incorporate native arboreal species local to the area.*”**
- **Delete first sentence of supporting text, which is not a Policy and change second sentence to “*Trees, hedgerows and gardens provide diversity...*”**

F. New Employment Uses

Policy 6

National policy, in Chapter 3 of the Framework, “*Supporting a prosperous economy,*” requires planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Further, Local Plan Policy ELS (*Employment Land Supply*) promotes the retention of employment, by safeguarding employment sites.

Policy 6 generally establishes a supportive approach to new employment uses, having regard to national policy. Furthermore, the Policy’s promotion of B1 uses is consistent with the Local Plan’s encouragement of knowledge-based industries.

As worded, the Policy includes some repetition and the safeguards are not applied evenly. It is also noted that the Neighbourhood Plan does not control the imposition of planning conditions.

I recommend:

- **Policy 6, re-word as “*Proposals for Use Class B1 and/or development that combines living and employment or retail space, and which does not have an adverse impact on local character, residential amenity, biodiversity, the transport network and parking, will be supported.*”**
- **Change wording of first line of supporting text to “*Whilst the Parish Council does not support the development of new warehousing/storage or similar “shed” uses, due to the low level of employment provided and the potential impact on local character and the highway network, there is strong support for the creation of new light industrial and office development.*”**
- **Delete the final sentence of the supporting text on page 21**

F. New Employment Uses (ctd)

Policy 7

Policy 7 seeks to protect existing employment land and is in general conformity with Local Plan Policy ELS (*Employment Land Supply*), referred to earlier in this Report.

In addition to “*no longer being fit for employment use,*” as referred to in Policy 7, it may well be that there is no longer a need for a site to be in employment use and this factor is taken into account in the recommendations below. There is no evidence to demonstrate that the Neighbourhood Plan is actively “*seeking*” uses and consequently, that part of the Policy suggesting that uses that “*will be sought*” is not supported by evidence.

The final part of Policy 7 is vague and imprecise. It also conflicts directly with the supporting text, which indicates that some types of employment use will be discouraged. It is also unnecessary, given that, in any case, the Policies of the Neighbourhood Plan need to be read as a whole.

Taking the above into account, I recommend:

- **Policy 7, change first paragraph to “*...for its previous employment use, there is no longer a need for the employment use and the current use has been sufficiently and realistically marketed for a period of at least 9 months to show that the current use is no longer viable.*”**
- **Delete rest of Policy**

G The Village Centre

Policy 8

Policy 8 takes, as its starting point, “*the village centre re-development.*” Whilst an aspiration, the Neighbourhood Plan does not provide for the re-development of the village centre and there is no evidence to demonstrate that it can implement re-surfacing, create a pedestrian priority area, or provide traffic calming and enhanced car parking, as inferred by the Policy.

The matters referred to in the first part of Policy 8 are not matters within the control of the Neighbourhood Plan. They relate to the control and responsibilities of other bodies, including landowners and the Highway Authority.

The redevelopment of residential properties for non-residential use may result in a reduction of housing in the Neighbourhood Area. This appears likely, given that no evidence is provided to demonstrate that such development would necessarily be linked to the replacement of houses lost to such development. Consequently, this part of the Policy conflicts with the national policy requirement to boost significantly the supply of housing.

Taking the above into account, Policy 8 does not meet the basic conditions.

I recommend:

- **Delete Policy 8**
- **Delete supporting text and title “G The Village Centre”**

H. Shopping Facilities

Policy 9

Paragraph 28 of the Framework requires neighbourhood plans to:

“...promote the retention and development of local services and community facilities in villages, such as local shops...”

Policy 9 seeks to support the development of shopping facilities and also to prevent the loss of shops from the Neighbourhood Area. In so doing, it has regard to national policy.

However, as set out, the opening part of Policy 9 could result in unforeseen consequences. It affords support for *“any proposal”* for new shopping facilities, subject only to taking into account the character and amenity of residential areas, and the vitality and viability of existing businesses. With regards this latter point, no indication is provided of how every retail proposal can assess its impact on the vitality and viability of existing businesses, or why it should need to. The more relevant requirement, having regard to national policy as set out in Paragraph 23 of the Framework, is for retail development to support the viability and vitality of the village.

Notwithstanding this, as worded, *“any proposal”* would be supported without regard to a wide range of relevant factors and this could result in support for unsustainable forms of development. As such the Policy does not contribute to the achievement of sustainable development.

I recommend:

- **Policy 9, change opening paragraph to *“The development of shopping facilities that support the vitality and viability of Lytchett Matravers and that respect local character, residential amenity and highway safety will be supported.”* (Retain second paragraph of Policy)**

7. The Neighbourhood Plan: Other Matters

I recommend earlier in this Report that part of Section I should form part of the Design Policy section and that the remainder should be deleted.

I also recommend that Chapter 4, “*Strategic Village Improvements*” should be appended to the Neighbourhood Plan. This will retain a link to this information, whilst avoiding unnecessary confusion with the Policies of the Neighbourhood Plan.

I note that the recommendations made in this Report will have a subsequent impact on page, Policy and paragraph numbering. They will also impact on the Contents pages and on the Appendices.

I recommend:

- **Taking into account the recommendations above, update the Contents pages, as well as the page, paragraph and Policy numbering, and the Appendices.**
- **Delete the footers to the Neighbourhood Plan. These currently refer to June 1 2015. I note that there is no need to include dated footers.**

I also note that there are a number of appendices to the Neighbourhood Plan. These do not form part of the Neighbourhood Plan. No changes are recommended other than those set out in this Report.

8. Summary

I have recommended a number of modifications further to consideration of the Lytchett Matravers Neighbourhood Plan against the basic conditions.

Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

Taking the above into account, I find that the Lytchett Matravers Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to Purbeck District Council that, subject to the modifications proposed, the **Lytchett Matravers Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

I am required to consider whether the Referendum Area should be extended beyond the Lytchett Matravers Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

Consequently, I recommend that the Plan should proceed to a Referendum based on the Lytchett Matravers Neighbourhood Area approved by Purbeck District Council on 9 April 2013.

Nigel McGurk, February 2017
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