

The Head of Planning Services  
North Dorset District Council  
Norden  
Salisbury Road  
Blandford Forum  
Dorset DT11 7LN

8<sup>th</sup> June 2018

**Our ref: AB/3650**

Dear Sir

**Re: Fontmell Magna Neighbourhood Plan Submission Document – Regulation 16 Consultation**

The following letter has been prepared in response to the consultation made under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 which is being held by North Dorset District Council between 27<sup>th</sup> April and 8<sup>th</sup> June 2018 asking for the opinions of the public, landowners and stakeholders in relation to the submission draft of the Fontmell Magna Neighbourhood Plan.

The response has been prepared on behalf of our Client London and Wessex Limited and in support of the allocation of their land holding; 'Land north of Mill Street'; which was designated Site 12 by the Neighbourhood Plan Working Group for the purposes of its assessment. The site is at this time excluded from the neighbourhood Plan; which we do not considered has been adequately justified.

Within this response reference is made to the following documents, comprising the submission documents and supporting evidence for the Fontmell Magna Neighbourhood Plan (the 'FMNP'):

- FM Neighbourhood Plan Examination Submission - 12<sup>th</sup> March 2018; and,
- The related Neighbourhood Plan Supporting Documents.

Reference is also made to the following adopted Local and National Planning policy documents:

- North Dorset Local Plan Part 1 2016 (the 'LP1')
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

We also append the following documents for the Council's reference:

- AB1** London and Wessex Call for Sites consultation response
- AB2** Bluebridge Communications Independent Questionnaire June 2017 and Questionnaire Report September 2017
- AB3** London and Wessex Letter to FMNP Working Group regarding the Bluebridge Questionnaire findings
- AB4** London and Wessex Ltd Regulation 14 Consultation Response November 2017
- AB5** TRACSIS Survey Data March 13<sup>th</sup>-17<sup>th</sup> 2017

For the purposes of clarity, where a response is provided to a specific paragraph or policy of the above documents this is cited.

#### **Policy FM4**

We, like other statutory consultees including the Council, have responded extensively in respect of the wording and general inference of this policy within the past public consultations.

The Neighbourhood Plan makes a sweeping statement at Paragraph 2.13 that the area to the east of the A350, which is outside of the AONB forms part of the setting of the AONB and thus new built development is unlikely to be acceptable upon it because of the impact it would have upon the setting of the AONB. This is a completely arbitrary and unreasonable statement with the sole purpose of seeking to suggest that no development should be carried out to the east of the A350.

Any proposals for development will need to be assessed on a site-specific basis in terms of their impact upon the AONB designation. It is not just the land next to the AONB designation which forms part of its setting but also the land next to that land, and so on. The plan sets out a list of important local viewpoints within the AONB at FM3; several of these viewpoints lie within the AONB and provide sweeping views across the settlement and much further afield. In this context any development in the settlement will be read as forming part of the setting to the AONB and must be considered in terms of its impact upon landscape character and importance.

Paragraph 2.14 of the Neighbourhood Plan infers that the AONB boundary has not been drawn in an arbitrary manner as it does not follow fixed features. We do not agree that this is the case and moreover the AONB is a long-established designation with clearly defined limits which includes that land which is considered to be of particular value in landscape terms. Land which is outside of this designation is not and should not be held to the same standards. National Planning Policy; at Paragraph 116, requires that exceptional circumstances are demonstrated to justify major development within the AONB designation, the same test is not applied to land outside of the AONB or proposals which are not for major development. Whilst the impact upon setting of the AONB must be considered alongside general considerations of landscape impact, the planning policy tests are not the same.

The policy has been imposed to seek to place an onerous and completely unjustified constraint on land which lies just east of the settlement but outside of the AONB designation.

Policy FM4 seeks to direct that within the area hatched on 'Map 5' there will be *'a strong presumption against development that fails to conserve and enhance the natural beauty of the AONB'* and that; *'only in exceptional cases, in which schemes can clearly demonstrate an enhancement to the setting of the AONB, will development be allowed'*. The Neighbourhood Plan seeks to impose a higher level of constraint on development outside of a protected designation than in imposed on development which lies within the AONB designation. This is not appropriate.

To impose such a constraint sits wholly contrary to the NPPF and North Dorset Local Plan Part 1. Policy 4 of the Local Plan is very clear in respect of its approach to determination of applications for development which lie within the AONB designation. The policy directs that *'proposals which would harm the natural beauty of AONBs will not be permitted unless it is clearly in the public interest to do so'* and *'in such instances effective mitigation should form part of proposals'*. The policy does not seek to place a presumption against development. To do so would be inconsistent with National Policy and would have rendered the Local Plan unsound. In the same manner, the current construction of Policy FM4 within the Neighbourhood Plan is such that it renders it un-sound and contrary to Local and National Policy.

The NPPF advocates at Paragraph 115 that great weight should be given to conserving landscape and scenic beauty in AONBs and other protected landscape designations, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 continues that; planning permission should be refused for major developments in these designated

areas except in exceptional circumstances where they are in the public interest. This approach has therefore been mirrored in Policy 4 of LP1. It is important to note that neither policy expresses a 'strong presumption against development' on land within the AONB designation, let alone on land outside of it. To do so would be contrary to the golden thread which runs through the NPPF – the presumption in favour of sustainable development.

In respect of applications for housing development, Paragraph 49 is clear that such applications should be considered in the context of the presumption in favour of sustainable development as set out at Paragraph 14 of the NPPF. This is reinforced by Paragraph 151 of the NPPF within the section entitled 'plan-making'. Paragraph 151 states that Local Plans; and by extension Neighbourhood Plan, must be prepared with the objective of contributing to the achievement of sustainable development. To this end, plans must be consistent with the principles and policies set out within the NPPF, including the presumption in favour of sustainable development.

It is not appropriate to seek to impose a 'strong presumption against development' at all and explicitly not in an area which is not subject to any actual designated constraint of landscape, ecological, heritage or other recognised importance.

The second strand of Policy FM4 states that *'only in exceptional cases, in which schemes clearly demonstrate an enhancement to the setting of the AONB, will development be allowed'*. This is again a significantly higher level test than is imposed by Local and National Planning Policy in respect of land within the AONB designation. Applications for development which is deemed not to be major within the designation are required only to conserve the character of the AONB and not to demonstrate and enhancement. The extent to which a development conserves the character and scenic beauty of the AONB is a matter for the decision maker in terms of a consideration of whether there will be any harm or impact which is unacceptable. The require from a policy standpoint that development on land outside of the designation demonstrates an enhancement to the setting of the AONB is unjustified and unreasonable.

The Neighbourhood Plan has specifically highlighted an area of land adjoining the AONB designation which it considers to be visually sensitive; as shown on Map 5. We would argue that this is a completely inappropriate premise upon which to operate the policy. To pick out this area of land as being particularly sensitive appears to suggest that the other land bordering the AONB designation is not. This is very clearly incorrect. Applications for development on land which lies outside of, but adjoins the AONB boundary, whilst not subject to the same policy constraints as land within the designation, must be appropriately considered in terms of their impact upon the designation and

provide appropriate justification and mitigation for their proposals where required. This is a basic assessment of impact upon landscape character which is advocated by Policy 4 of LP1 and National Planning Policy which decision makers will undertake in determining applications for development where there is potential for harm or mitigation may be required.

The basic purpose of the FMNP designating this area of land 'particularly visually sensitive' is to seek to prevent development from coming forwards within this area; not to preserve or enhance the natural beauty of the AONB designation. This has not been justified or evidenced in planning terms and is wholly inappropriate. It is worth noting that the selection of this area of land completely disregards the open landscape which has been included within the Conservation Area boundary, which by the same note must be sufficiently sensitive as to justify its inclusion within that designation.

The Neighbourhood Plan must first and foremost be consistent with the North Dorset Local Plan Part 1 and National Planning Policy. Paragraph 8(2)(e) of the Localism Act 2011 states clearly that a Neighbourhood Plan must be in general conformity with the strategic policies contained in the Development Plan for the relevant authority. Further guidance on what is meant by conformity is set out within Planning Practice Guidance (PPG).

Paragraph 74 of the PPG states that when considering whether a policy is in general conformity the Local Authority or Independent Examiner should consider:

- Whether the Neighbourhood Plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- The degree, if any, of conflict between the draft Neighbourhood Plan policy or development proposal and the strategic policy;
- Whether the draft Neighbourhood Plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- The rationale for the approach taken in the draft Neighbourhood Plan or Order and the evidence to justify that approach.

Paragraph 184 of the NPPF also confirms that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. Neighbourhood Plans should reflect Local Plan policies and plan positively to support them; they should not plan for less development or undermine strategic policies.

In this case the policy runs contrary to the Local Plan and NPPF by imposing a presumption against development, there is no evidence to back up the reason for seeking to impose this policy, and it undermines other policies within both the Local Plan and NPPF which make clear that there is a presumption in favour of sustainable development unless material considerations indicate otherwise.

Policy FM4 is unsound and should be either removed or reworded to accord with Policy 4 of the Local Plan and the NPPF, with the removal of Map 5 and the arbitrary selection of an area deemed visually sensitive which lies between the AONB and the existing settlement boundary. It is suggested that in rewording the policy it would simply represent a duplication of the Local Development Plan and thus is not reasonably required and can be removed in its entirety.

### **Policy FM5**

Policy FM5 seeks to identify landscape features within the settlement which are considered worthy of protection and reinforcement through development.

At the time of the Regulation 14 consultation, we and the Council raised concerns with the prescriptive and unyielding nature of the policy. A minor revision has been made to the policy since this time involving the changing of the words 'must not harm' to 'should protect', the policy still however is not in line with Policy 4 of the Local Plan in this regard.

The Neighbourhood Plan identifies the rural character of lanes and roads as a key contributor to local character. Reference is made in the text to Mill Street. It is acknowledged that for much of its length, up to the C13 to the east, it is typically rural in character; hedge row lined with passing spaces. The western end of the road however is more urban in its character featuring pedestrian footways. It is appropriate for there to be a change in character where the more rural and sparsely developed part of the lane retains its natural boundary and the developed end close to the village core provides features such as footways to enhance highway safety close to the A350.

The character of rural lanes is a recognised contributor to local character and should be preserved where there would be harm to local character if this were lost. It should be recognised however that soft edges to development can still be retained by providing softer verges and pedestrian footpaths set behind these rather than introducing tarmacadam or concrete curb stones and surfacing.

Policy FM5 also makes reference to hedgerows and field and plot boundaries as being important to local landscape character. It should be recognised that these hedgerows are not ancient hedgerow and are not afforded statutory

protection. These can be removed at any time. Hedgerows are a more modern feature of Fontmell Magna, introduced to delineate land ownership; the landscape historically was more open. It is recognised that hedgerows can contribute positively to landscape character however and deliver biodiversity benefits, thus where these can be preserved through development they should be. The loss of some hedgerow does not however in itself constitute harm.

Whilst it is appropriate for the policy to identify these features of character it is not appropriate for the policy not to allow for flexibility in the design of development where justified. At present where proposals do not comply with the wording of a policy, i.e. would result in the loss of some hedgerows or would provide a raised curb or footpath at roadside they would be contrary to the terms of the policy. The policy does not allow for appropriate justification or mitigation where retention of these features is simply not possible or prevent development which would otherwise deliver significant local benefit or make a positive contribution to the character of the area and local landscape.

Policies must be constructed with sufficient flexibility built in to allow for appropriate innovation and to facilitate sustainable development. The policy in its current format does not do so and should be substantially altered to accord more closely with Policy 4 of LP1. The identification of specific features of local character is sufficient to warrant having the policy sit alongside Policy 4, but its inference and flexibility should be the same.

The policy should look to reinforce local distinctiveness in accordance with Paragraph 60 of the NPPF but should not impose explicit requirements without any flexibility.

### **Policy FM8**

The Neighbourhood Plan seeks at Policy FM8 to direct how new development within the parish should be laid out. Whilst it is accepted that National Planning Policy supports the production of design codes and states that new development should have appropriate regard for local character and its context; putting in place overly prescriptive requirements which expect all new development to conform with an unrealistic ideal is not an appropriate way to deliver sustainable development and in particular the type of housing for which the Neighbourhood Plan acknowledges there is a local need. The requirements advocated by the policy are likely to deliver large high cost detached properties which will not meet local needs for affordable market and social family housing, to meet the needs of the next generation and also provide suitable properties for downsizing.

Paragraph 3.7 of the supporting text states that the density of any new market housing development should be limited to between 10.8 and 15.6dph to be

consistent with the density of those properties which are considered to contribute positively to the character of the area. The properties referred to are in the main the more traditional properties within the settlement, largely detached and set within large curtilages; clearly it is not appropriate to base the delivery of new local housing stock on the format of expensive properties which will not meet a local need. This runs contrary to Paragraph 50 of the NPPF which seeks to ensure that policies and decision making deliver a wide choice of high quality homes and widen opportunities for home ownership to create sustainable inclusive and mixed communities.

Whilst maximum density figures are referred to in the supporting text as a matter which new development should be compliant with, they are not cited within the policy text itself in terms of figures, but rather the policy refers to the density of the same properties mentioned in paragraph 3.7 as being a maximum which should not be exceeded. The inference being that this is not guidance but an explicit requirement. This is not reasonable.

The planning system does not seek to impose maximum or minimum densities on development sites; instead development should be brought forward which is appropriate to the character of the area and responds appropriately to its specific site constraints and opportunities. Density is not the key to successful development and being overly restrictive in this manner will prevent development which is sustainable and in the public interest from coming forwards.

Imposing a maximum density is contrary to the design guidance for the Local Plan and NPPF and places an unreasonable burden on development sites which will not be able to be accorded with. Site-specific circumstances should determine what is actually acceptable in each case and the acceptability of a scheme should be a matter for the decision maker. This requirement should be removed.

Policy FM8 furthermore seeks to impose further constraint on the layout of development with requirements for 20m separation distances between facing habitable rooms in properties; claimed to be to preserve privacy, and requiring rear gardens in excess of 10m in depth.

Dealing first with the separation distance point; this is far in excess of any normal building relationship within a residential street scene; it is very uncommon for properties to be more than 20m apart for a front to front relationship and indeed in a side to side relationship where both properties have main windows serving habitable rooms on their flank elevation properties will often only be a couple of metres apart if that, with an intervening boundary treatment. The impacts of development upon neighbour amenity are a matter



which is considered in determining planning applications and it is for the decision maker to make a reasoned judgement based on site specific circumstances and evidence of whether development will give rise to harm. Imposing such a constraint as requiring 20m separation distances will make this impossible to achieve on new development sites and it is the case that most of the existing development within the village does not comply with this; a normal cross street relationship in a village setting where properties are positioned close to the highway, as per the more traditional dwellings in West Street, are in order of 10-15m at maximum.

Similarly, seeking to impose a minimum depth of rear gardens again places an unnecessary constraint on new development; there is no justification for the arbitrary figure of 10m which has been suggested; in some cases smaller gardens will be appropriate, or gardens may be arranged in a manner around the perimeter of a property such that whilst it is not sited 10m from its rear boundary it has a larger overall garden area. It is unreasonable to seek to put unnecessary constraint on development which will ultimately stymie delivery. This is not reasonable and should be removed.

The policy also refers to the layout of development in seeking to resist cul-de-sac schemes or what may be deemed a suburban site layout. The policy is seeking to be too prescriptive to the point that it will hamper the provision of any development. Any proposals for development will be assessed on their individual merits by the Local Planning Authority considering local character and the pattern of development. Cul-de-sac and estate type developments are common place in the village and fully accord with its character. It is entirely possible to provide a cul-de sac type arrangement of development whilst respecting the rural vernacular through careful and considered design; this format of development does not have to, by its nature have a suburban or urban character. It is unreasonable therefore to state that the only type of development which will be considered acceptable is a courtyard arrangement; this places a significant limitation on the type and format of development which can be provided. It may not be possible for example to provide a courtyard arrangement of buildings and make proper and effective use of the land whilst also complying with the other policy expectations such as garden sizes. Each application should be considered on its merits and not based on an arbitrary list of limitations which are not necessarily consistent with the existing pattern of development. There is no rationale for this.

This is not consistent with the design policies of LP1 which advocate that development should take account of the character of the settlement and its context and provide an appropriate scale, design and layout which can be comfortably assimilated in to the area.

Policy FM8 also seeks to impose constraints on the delivery of parking for developments; the policy states that a minimum of two off-street parking spaces and communal turning areas should be provided for all developments. The Council has adopted guidelines on parking requirements which are specifically tailored to the size of properties and their amount of bed spaces; which reasonably determines the likely demand for parking. Smaller units will have a lesser demand and thus two spaces may not be required. The imposition of a parking standard thus runs contrary to adopted Local Policy on this matter. As part of any proposals for housing development the impact upon the local highway network will be assessed, including parking, accessibility and the requirement for manoeuvring space for emergency appliances. This is inconsistent with Policy 23 of the Local Plan in this regard and the Council's adopted parking standards. There is no evidence to demonstrate why different parking requirements which depart from the adopted document are justified in this location; the figure proposed is again arbitrary. To impose additional standards is completely unnecessary.

The final point of the policy relates to the delivery of affordable housing. Policy FM8 stipulates that affordable housing must be distributed throughout a site and not grouped in clusters; the Neighbourhood Plan considers that this accords with the Local Plan policy. This is not however the case. The Neighbourhood Plan again seeks to impose a restriction which is not reflected in the neighbourhood plan and which places an onerous constraint on housing delivery. The Council will be well aware that Registered Providers in the main prefer their affordable housing to be clustered together for ease of management and maintenance. This is not to say that the affordable element should not be designed to as to appear indistinct from the market housing on site; this is very clearly expressed within LPA; but the physical arrangement of this on the site is a matter which must be led by the market and what registered providers are prepared to operate. In this vein the Local Plan states clearly that on larger scheme affordable housing should usually be pepper potted amongst the market housing, or grouped in clusters; on large or strategic level schemes it will be possible to pepper pot clusters of affordable housing units around a site, but on a scheme of 5-30 units it will often not be efficient or possible to do this and is unlikely to be seen as desirable by the Registered Providers. The Neighbourhood Plan again seeks to impose a constraint which is unreasonable and unnecessary in order to deliver development. This requirement should expressly be removed.

This policy is overly prescriptive in its nature and will significantly limit what is achievable on development sites; which can be developed appropriately and in accordance with local character and other technical constraints without giving rise to harm. The current policy structure is designed only to prevent development coming forwards in a sustainable manner and local needs being

properly met; this is not the purpose of Neighbourhood Plans to seek to introduce unjustified constraint and runs contrary to the golden thread running through the National Planning Policy Framework and the Local Plan to facilitate the delivery of sustainable development.

It is our view that the policy either requires significant rewording or complete removal.

### **Policy FM9**

Like Policy FM8, Policy FM9 seeks to impose very specific constraints on development; this time on building design.

The first sentence of the policy seeks to place a constraint on the scale of dwelling; restricting this to one or two storeys; including any dormer windows. There is absolutely no justification for this. There is no reason why an alternative pattern of development could not be acceptable. The Local Planning Authority is tasked with determining individual applications on their merits against their site-specific context and constraints. Neither Local nor National Planning Policy seek to impose such a constraint because it is not rational. Paragraph 60 of the NPPF is explicitly clear that Planning Policies and Decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. The final sentence of Paragraph 60 states that it is appropriate to seek to promote or reinforce local distinctiveness, however this is not to say that every aspect of built form is locally distinctive, or it is reasonable to seek to impose constraint upon it. As planners we must consider whether there would be any harm, material or otherwise arising from development proposals, where there is no harm and the development as proposed fulfils the aspects of sustainable development it should be approved. There is no place for prescriptive limitations which prevent appropriate innovation and design.

The policy as imposed is expressly contrary to National Policy and is not sound., The first sentence of the policy should be removed.

The second sentence of the policy in respect of development respecting the local vernacular and reinforcing local character is appropriate and will ensure high quality and appropriate development. As directed by paragraph 59 of the NPPF design policies should avoid unnecessary prescription and should instead focus on guiding overall scale, density, massing, height, landscape, layout, materials and access in relation to the local area more generally. Imposing an expectation to accord with local character is therefore reasonable; imposing specific constraint on height, scale or materials is not. There is no reason to suggest that alternatives cannot be compatible with the settlement.

This premise is reinforced by Paragraph 65 of the NPPF which states that LPAs should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.

FM9 also seeks to impose a constraint on materials and detailing in accordance with a prescriptive list; set out within a table cited at Paragraph 3.16 of the Neighbourhood Plan. This again represents an unreasonable level of prescription which is simply not justified. It is recognised that the Conservation Area designation covers much of the village, however this is not of sufficient interest such that the introduction of what is effectively a design code is appropriate. There are some individually interesting buildings, but amongst this the Conservation Area features many properties which make no discernible contribution to it at all. There is simply no justification for the imposition of this level of constraint within the settlement. The approach taken by the Neighbourhood Plan goes well beyond what is reasonable and indeed imposed by Policy 24 of the Local Plan which takes an appropriate and reasoned approach and recognises that there will be circumstances when exceptions to its requirements will be justified in order to deliver high quality development.

Many of the materials cited are preclusively expensive and requirements to deliver buildings in accordance with such a specification will render development unviable to the point that it is not possible to deliver the required social housing or other infrastructure improvements which will deliver significant public benefits. The specification of expensive materials does not encourage good design; the two do not go hand in hand, it rather encourages the delivery of over-priced development. Good design is about more than just aesthetic considerations.

Policy FM9 seeks to remove permitted development rights for loft conversions and former windows, again without any appropriate justification; what is proposed is the imposition in effect of an Article 4 direction. National Planning Policy is clear that the removal of permitted development rights should be exceptional; imposition of a blanket constraint is unreasonable and completely contrary to Local and National Planning Policy.

The imposition of Article 4 directions is limited to situations where there is a clear and demonstrable reason why restricting such rights is necessary to protect local amenity or the well-being of an area. There is no appropriate justification for this in this case. The Neighbourhood Plan again is seeking to impose a level of restraint on development that it has no power to impose. The suggestion that loft conversions and dormer windows would as a matter of

principle be harmful to the rural character of the parish is with respect a nonsense. This requirement should be removed from the policy.

The policy as a whole is fundamentally flawed and should be revised so as only to reiterate the importance of having regard for the local vernacular and context in devising proposals for new development so as to reinforce local distinctiveness and make a positive contribution to the character of the village and Conservation Area.

### **Housing Needs**

The Neighbourhood Plan resolves that the need for housing within the Parish is approximately 30-35 dwellings over the period from 2016-2031. This is based on taking a 'fair share' of the 825 dwellings which the North Dorset Local Plan suggested as a minimum target for housing within the rural area.

The Neighbourhood Plan claims thereafter to have undertaken a Housing Needs Assessment to underpin the plan. This assessment did not give any consideration to the amount of housing that should be delivered, but rather was solely concerned with identifying the housing requirements which exist so far as existing residents within the parish are considered; for example where persons will be looking to downsize as children have left home or where families have children looking to get on to the ladder. The Housing Needs Assessment does not give any consideration to the actual amount of housing which should reasonably be delivered in the parish having regard for the most up to date evidence available, as per the current nationally accepted methodology for assessing housing need.

North Dorset District Council has accepted that it cannot demonstrate a 5-year supply of available and deliverable sites for housing development and that as a result its policies for the supply of housing are out of date. To base the requirements for the delivery of housing within Fontmell Magna Parish on out of date figures within the Local Plan is not therefore appropriate particularly when there is a more up to date evidence base available.

Taking a proportional share of the overall growth proposed for the District is a rational method of calculating housing need but should therefore be based upon the Objectively Assessed Need (OAN) determined by the Eastern Dorset Strategic Housing Market Assessment (SHMA) (2015) as the most up to date piece of available evidence; and not the minimum figure set out by the North Dorset Local Plan (2016) to be delivered within Stalbridge and the 18 other More Sustainable Settlements (MSVs).

It is important to acknowledge that the Government has recently consulted on a revised methodology for assessing housing needs which indicates a further

increase in the housing needs of North Dorset above the figure which is advocated for within the SHMA 2015. Whilst this is the case, the new methodology remains unadopted and is not therefore an appropriate evidence base for the determination of need. The SHMA 2015 remains the appropriate starting point for determining housing needs.

National Planning Guidance set out within the PPG states that the assessment of development needs should be thorough but proportionate and does not require planners to consider purely hypothetical future scenarios, but only future scenarios which could be reasonably expected to occur. It does not therefore exculpate the need to undertake a proper needs assessment to determine the amount of housing which should be delivered if the Neighbourhood Plan intends to allocate sites for housing development. Neighbourhood Plans do not need to allocate sites and in such circumstances, it would be appropriate not to make a determination on housing need, the two therefore go hand in hand. The methodology for determining housing need employed by the FMNP is not appropriate and does not take account of the appropriate evidence base in doing so.

The Neighbourhood Plan HNA suggest that about 30-35 homes should be delivered; it is not considered however that this accurately represents a proportional share of the housing need. If this is the approach that the Neighbourhood Plan wishes to take, then a proportional share of need, based on the SHMA 2015 should be adopted, taking no account of the 825 dwelling minimum figure proposed by the Local Plan.

The Neighbourhood Plan Housing Needs Assessment considers that it is taken account of the Eastern Dorset SHMA 2015 by allowing for the percentage increase between the adopted 285 dwellings per annum figure within the Local Plan Part 1 and the 330 dwellings per annum advocated by the Eastern Dorset SHMA 2015 in reaching its figure of 30 dwellings required over the Neighbourhood Plan Period this does not take appropriate account of the fact that the SHMA 2015 assesses housing need from 2013-2033 – and thus there has been a shortfall in delivery in the early years of the North Dorset Local Plan relative to these figures, and also that the 5 year supply cannot be delivered based on the current spatial strategy in any event. It is inevitable that the sustainable rural villages are going to need to accommodate a greater share of housing growth than originally advocated, with the principal settlements of the District simply not being able to deliver the expected levels of growth. This is particularly evident with the strategic allocations at Gillingham which are simply not being delivered.

We propose therefore that the FMNP Housing Need Assessment should be fundamentally reviewed and follow the route taken by other neighbourhood

Planning Forums such as Okeford Fitzpaine, whom have instructed an industry specialist to undertake the appropriate assessment. We have set out the methodology applied by AECOM in determining housing need for Okeford Fitzpaine Neighbourhood Plan Area below.

#### Calculating the Need

The Local Plan 2016 plan was found sound at examination, albeit with the need to immediately review the District's housing numbers in accordance with the Eastern Dorset SHMA; thus, its general spatial strategy was confirmed by the Inspector to be acceptable. The Council's spatial strategy clearly listed those settlements which it considered are capable of accommodating growth; the four larger towns, Stalbridge and the 18 MSVs, and removed the settlement boundaries from all of the other settlements; the effect being that that they are only able to accommodate development in accordance with countryside policies.

The most appropriate manner of taking a proportional share would be to consider the existing number of dwellings within each settlement and the District as a whole and apportion the growth on this basis.

Considering the Council's spatial strategy, in order to take a proportional share of the required OAN, those settlements which cannot accommodate any housing growth beyond exceptions development should be discounted from the figure for the overall number of dwellings within the District. A proportional share can thereafter be calculated based on this figure.

Based on the figures set within the SHLAA 2015 a proportional share of housing need for Fontmell Magna can be calculated based on its established number of households (319) compared with the total number of households within sustainable settlements in the District; the four main towns; which are capable of accommodating growth (23302) divided by the housing need figure of 6,600 (330 per annum for the 20 year plan period) dwellings;

**6600 / 23302 = 0.28 new dwellings for each existing property**

Thus, requiring **one new dwelling** to be provided across the District **for every 3.57 existing dwellings**.

**319 x 0.28 = 90 dwellings**

This would put Fontmell Magna's proportional share at **90 units for the period 2013-2033**.

Even discounting the initial years of the projections; accounting for the fact that the Neighbourhood Plan period starts from 2016; and the latter years to account for a 31 year plan period, this would result in a housing need figure of **68 dwellings from 2016-2031**.

This only represents the starting point for any need and local circumstances may indicate that this should be increased or decreased; for example, to provide additional affordable dwellings or to provide growth to help sustain essential services and facilities, or if there are significant land based constraints which would hamper delivery.

It is for the Neighbourhood Plan to substantiate whether this should increase or decrease due to area specific requirements or desires to support or enhance local services and facilities. No consideration has been given by the neighbourhood plan to external stimulus such as school undersubscription which can reasonably influence the need for housing growth.

This is considered to represent the most sound approach to calculating housing need, based on the most up to date available evidence base at the time of writing. To base needs on housing figures within the Local Plan which are acknowledged to be out of date and in the face of the Council being unable to demonstrate a 5-year housing land supply, is not sound.

The approach suggested above accords with that which has been recommended to Okeford Fitzpaine Parish Council by industry expert AECOM to support their Neighbourhood Plan preparation. It is based on a sound methodology and will deliver an appropriate level of growth for the settlement.

We believe therefore that the Fontmell Magna Neighbourhood Plan advocates for a significantly more reduced level of growth than the settlement is capable of accommodating and that to support the future growth of the settlement in a sustainable manner the housing need figure should be increased to not less than **68 dwellings**.

### **Policy FM16**

The policy places a requirement for housing development to comply with a specified housing mix. It is suggested that this mix has been derived from the FMNP Housing Needs Assessment.

Policy FM16 seeks to direct that for both new affordable and market housing; a predominance of properties delivered should be 1 and 2 bedroom homes with some 3 bedroom properties and larger. This housing typology has been derived from reference to the Dorset Home Choice Housing register from February 2017.



It should be recognised that the extent of need on the Local Authority housing register fluctuates significantly over short periods of time and that this is only representative of a snap shot of the requirements evident at the time of the survey. The other important point to make is that this evidence relates only to affordable housing need and bears no correlation with market housing need.

The proposed policy seeks to place the same constraint on both affordable and market housing with no appropriate or reasoned justification for this. It is likely that the local affordable housing need will have changed demonstrably by the time the Neighbourhood Plan is in place; if adopted, and thus the policy will have been rendered out of date.

It is more appropriate to have regard for the Eastern Dorset SHMA 2015 as the most up to date evidence base when considering specific affordable and market housing needs.

The Local Plan Part 1 makes clear at Policy 7 that 3+ bedroom properties represent the majority of the market housing need within the District. The Neighbourhood Plan has offered no appropriate evidence for its assertion that a majority of the local need is for 1 and 2 bedroom dwellings and thus the policy stipulations should be removed.

It is appropriate to have regard for local housing needs, however this must be considered alongside the viability of delivering development and in the context of what is considered to be appropriate development responding to the site specific circumstances of a land parcel.

It should be recognised in particular that if evidence to demonstrate that a majority of local need is for 1 or 2 bedroom dwellings then this is incompatible with the Neighbourhood Plan strategy for the layout and design of development as defined by Policies FM8 and FM9. Properties of this size can simply not be delivered in a viable manner whilst complying with the terms of these policies; such properties cannot be delivered at the same low density represented by 3 and 4+ detached properties which form the lion share of properties within Fontmell Magna parish.

We therefore consider that the requirements of Policy FM16 should be reviewed to state that affordable housing shall be delivered as part of qualifying applications for residential development in line with Local Plan Policies and informed by available up to date evidence demonstrating existing local need at the time of the application. The constraints proposed for market housing are simply not justified and should be removed.

**Policy FM17 and Site Allocations**

The Council's attention is directed to the comments made previously in respect of the local housing need referred to within the initial paragraph of policy FM17.

In respect of the second sentence of this paragraph however, the Neighbourhood Plan Working Group have, from an early stage, sought to prevent any development from coming forwards to the east of the A350 as part of the plan preparation. There has been no reasoned justification for this approach. Considerations made in respect of sites on this side of the village do not appear to have been objectively made.

We have, from the outset of the plan preparation engaged positively with the Neighbourhood Plan working Group to promote the land in our Client's ownership for housing development. It is a logical site contiguous to the settlement boundary with an existing consented access from the public highway and is available and deliverable now. As the Council may be aware, we are currently in the midst of a Planning Application in relation to the site.

There is a concern that private interests may be affecting sound planning judgement to the detriment of the selection of deliverable sites; and in turn to the detriment of realistic housing delivery. Persons living adjacent to or adjoining land parcels put forwards for development should not have any input in the assessment of those sites as they are unlikely to be objective, instead providing an emotive opinion as a potentially affected party. It is important that proper planning rationale is provided for the neighbourhood Plan strategy from a neutral standpoint, without this it is unlikely to be found sound.

Our client considers that there has been an explicit lack of transparency from the Neighbourhood Plan Working Group over the fact that several of its members live in immediate proximity of Land north of Mill Street; in some cases, direct neighbours to it, and have still played an active part in the site assessment and selection process. It is not considered in such circumstances that the site assessment process has been undertaken in a fair and democratic manner.

It was made clear at a public meeting in Autumn 2017 that the reason why 'Site 12' had been excluded was not that it was unsuited to development or for any justifiable planning reason, but rather that the Neighbourhood Plan did not wish to support any development on the eastern side of the village.

In this vein, an Independent Questionnaire was commissioned in June 2017 and circulated around the entirety of the Parish. The Questionnaire proposed an alternative vision for the sustainable growth of Fontmell Magna village in a manner which would preserve its settlement pattern and character.

The questionnaire also provided explicit evidence confirming that the belief that any development to the east of the A350, which runs through the village, must be excluded due to a public inability to cross the public highway was a nonsense. The results of the survey work undertaken are explicitly clear that there are more than sufficient timing gaps between regular passing traffic to allow persons to cross the road in a safe and controlled manner. The Parish Council has itself investigated whether or not a public crossing could be provided close to the Fontmell Public House to improve pedestrian accessibility between the eastern and western sides of the village, however it has been confirmed by Dorset Country Council Highways Authority that there is no justification for the requirement of such a facility because no such issue exists. This is not therefore a reason to preclude development to the east of the A350. There is no evidence to back up the Neighbourhood Plan position and thus to make the statement which has been made in this respect is irrational.

The Questionnaire document demonstrates very clearly that there is no reason why development should be prevented on the eastern side of the settlement. Applications must be determined on their individual planning merits having regard for public benefits and impacts and the presumption in favour of sustainable development which underpins the National Planning Policy Framework.

The nature of the landscape surrounding the village will render it necessary to consider all development within the village in terms of its impact upon the AONB; as it can be viewed from key local viewpoints falling within the designation. The land to the east of the A350 is no different to the land to the west of the A350 in this respect. The land to the east is not necessarily any more prominent and would be read against the existing pattern of development within the settlement and not open landscape. There would not be a materially unacceptable impact upon views as a result. It is completely unreasonable to seek to restrict any development to the east of the A350 as a matter of principle due to the presence of the AONB. If the land is not within the designation it must be considered in the same manner as any other land not falling within the designation and its impact upon landscape character and setting and the AONB will be assessed in the normal way.

It is wholly inappropriate for Policy FM17 to seek to direct housing development away from the eastern side of the village due to completely unsubstantiated beliefs that the delivery of development in this location would be unacceptable as a matter of principle.

It should be noted as a particular point of concern that irrespective of the unreasonable inference that housing should only be located to the west of the

A350, the policy wording of FM17 cites 'new built development' as opposed to 'new housing development' which by way of its working would place a completely unreasonable restraint on all types of development and not just housing as per its intention.

It is completely irrational to seek to impose this restraint. It is without any appropriate planning justification and completely contrary to both Local and National Planning Policy. This aspect of the policy should be removed.

It is the view of our Client that it is on this false predetermined basis that the Neighbourhood Plan has assessed those sites promoted on the eastern side of the settlement. It is not considered therefore that the site assessment process has been objectively undertaken in a fair and transparent manner.

### **Policy FM18**

There is no justification for seeking to allocate sites for development and not including them within the settlement boundary; for risk that they will not come forwards. If there is a likelihood that land is not deliverable, due to constraints or no desire to bring it forwards, it should not be allocated, and other sites should be taken in preference.

Keeping the sites outside of the settlement boundary would give rise to a conflict with the Local Development Plan; in that they would constitute development within the countryside. This would give rise to a need to set aside the Local Plan Policy when considering any planning application and consider the sites an exception. This is not a rational way to handle the sites. If they are to be allocated they must be included within the settlement boundary; otherwise the plan will not be consistent with the Local Plan and fail the test of soundness.

This has been confirmed by recent Inspector's Decisions in assessing Neighbourhood Plans; for example, in the Examiners Report to the Buckland Newton Neighbourhood Plan the Inspector made clear that the allocated sites must be included within the settlement boundary; otherwise they would conflict with the Local Plan.

The proposed settlement boundary should thus be reviewed.

### **Site Assessment Process**

The site assessment process which has been undertaken by the Neighbourhood Plan working group is not outlined in full within the Neighbourhood Plan. At appendix 2 however an excerpt of a table showing assessment categories and summary of the perceived impacts of each site is identified.

It is the firm opinion of our client that this assessment process has not been fairly or objectively undertaken and unreasonably penalises Site 12 so as to determine that it is unsuited for development due to the proximity of the site to properties which we understand are owned by members of the working group.

We can demonstrate that there are significant inconsistencies in the 'marking;' of the sites where there is no actual difference in terms of what can reasonably be determined to be their impact. It is important that any site assessment process is fairly and objectively undertaken in order to promote development which is in the interests of the village as a whole and which will best promote sustainable development in a manner which will meet the needs of the settlement and contribute positively to the District's housing supply.

Dealing with each matter in turn;

- Landscape Impact

A formal 'Options Consultation' was undertaken in March/April 2017. With responses collated in May 2017. The responses from statutory consultees are of particular note. The response from the Cranborne Chase AONB is of particular relevance in this regard confirming that *'there are extensive views over Fontmell Magna from the AON to the east.'* ... *The village is very much part of the setting of the AONB as the AONB is, in return, part of the setting of the village.* It is plain from this that the village as a whole forms part of the integral setting to the AONB and not just the land east of the A350. It is very clear from views from the open access land and public footways that this is the case. The assertion that citing development to the east of the A350 would be fundamentally unacceptable and harmful is therefore completely inappropriate. It is clear that development within the settlement as a whole will be read from the AONB designation and thus its impact upon it must be appropriately assessed.

In this regard the marking of Site 12 as having a likely significant adverse impact is completely unreasonable. There is nothing to suggest that a development could not be appropriately designed to positively integrate with the landscape. The mere consideration in comparison that the development of Site 20 would have a likely neutral impact is a complete nonsense. The Cranborne Chase AONB also commented at the time of the 'Options Consultation' that; *'the development of Site 20 could impact on the approach and entry to the village. Great care would be necessary in the handling of not just the design and site layout and buildings, but also the materials and landscape treatments.* This is indicative of the complete inconsistency shown by the site assessment process in considering which sites to seek to allocate for development. Site 20 is

very prominent on approach to the village and will have a significant impact upon the local landscape and views from this end. The site will be read as forming part of the setting to the AONB, as the rest of the village does. It is also true to say that the site will not read in the context of existing building development in the same way that the development of Site 12 would read against the backdrop of the village and not perpetuate the encroachment of built development out into open countryside.

- Cultural Heritage

The assessment undertaken on this point is illogical. The historic character of Fontmell Magna settlement is the location of housing development along and spurring off of its rural streets. In this regard Site 12 accords with and would preserve the historic pattern of growth of the settlement. It is plain to see that this is how the settlement has progressively evolved with developments to West Street and Mill Street over time. The assertion that Site 20 would preserve this character by extending the settlement southwards with access off of the A350 to an estate of development is poorly judged. It is clear that this development will not respect the historic character of the settlement and that instead an impact is likely.

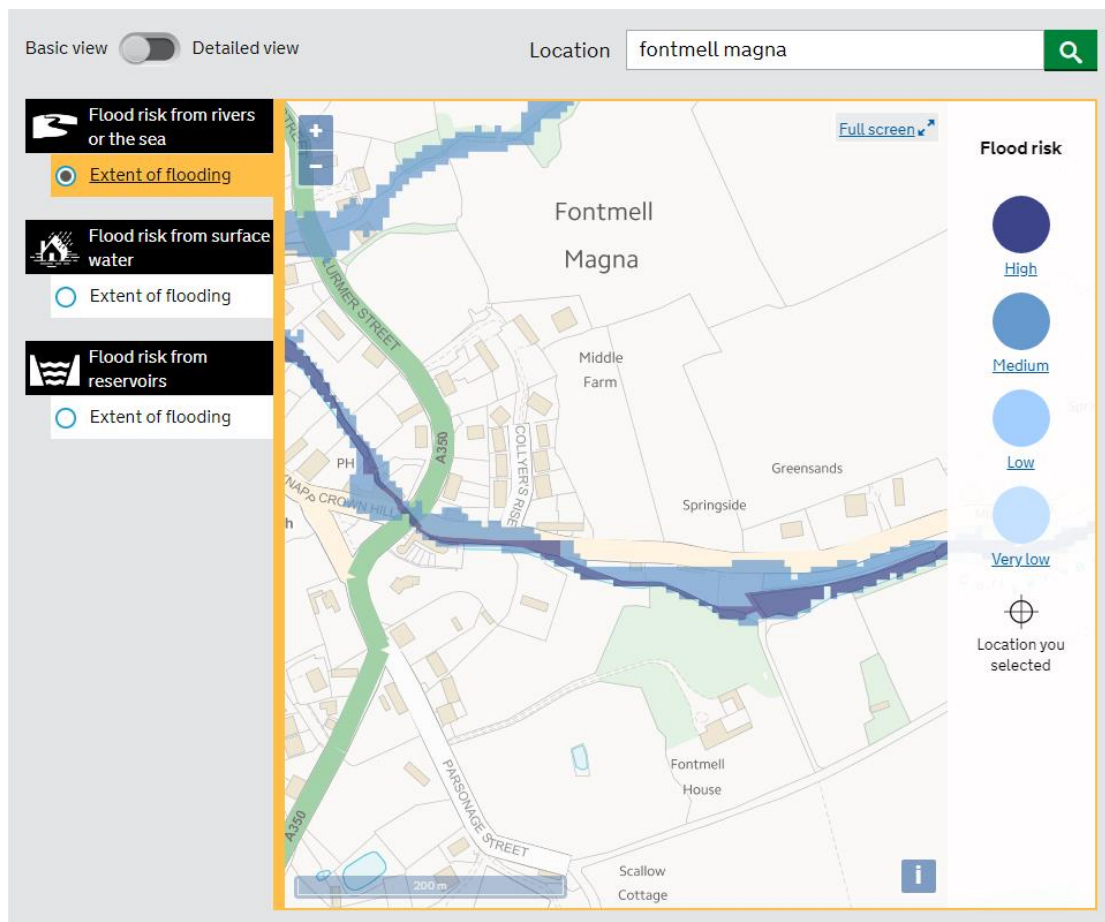
- Soil, Water and Air

It is quite clear from the representations which have been made by our Client that, in accordance with the DEFRA classification of Grade 4, Site 12 does not represent the best and most versatile agricultural land; the site has been used in the past for grazing however it is not of strong agricultural potential and there would be no loss of productive farmland in its development. Likewise, there is no evidence of any past contamination or pollution; it has solely been in use for the purposes of agriculture in its history.

To have marked the site as having a likely adverse impact on this point is completely without justification, particularly when the other sites allocated, such as Site 20, actually represent the loss of actively used farmland which is considered by the DEFRA assessment to be some of the best and most versatile agricultural land with significant agricultural potential. It is a core planning principle that the best and most versatile agricultural land should not be brought forwards for development in preference to other available land of poor potential. Site 20 despite being Classified as Grade 2 agricultural land, has been considered in this regard to have a neutral impact – there is no justification for this at all in planning terms.

- Climatic Factors

Response was provided at the time of the 'Options Consultation' by Dorset County Council in respect of flood risk. The response provided by DCC accords with that provided by our Client, confirming that Site 12 lies wholesale within Flood Zone 1, as per the below excerpt. The site itself is free draining and does not give rise in any manner to surface water run-off elsewhere. There is no evidence therefore to demonstrate that there will be any impact upon localised flood risk through its development.



There is no justification for why Site 12 has been assessed to have a likely adverse impact in this regard when there is no difference in terms of the classification of its impact to that of Site 20 or any of the other sites assessed as having a likely neutral impact. The fact that Site 20 latterly has been considered to have a likely positive impact in terms of flood risk is assumedly based on a site specific strategy for surface water drainage, no different to that instructed by our Client for Site 12 which similarly confirms that the drainage needs of the development can be fully accommodated on site; our Client has not been given the opportunity to demonstrate. The simple fact that Site 12 sits above the level of Mill Street confirms in topographical terms that it is not prevalent

to fluvial flood risk and there is no evidence of run off giving rise to localised surface water flooding. The site has again been penalised for no reason.

Considering the assessment for Site 1 in this regard, as provided by Dorset County Council, the site whilst lying in the main in Flood Zone 1, has evidence of high theoretical surface water flooding risk and also fluvial risk from Flood Zones 2 and 3 given the position adjacent to the main river channel. This site was considered to have a likely positive impact on reducing flood risk – this is completely inconsistent and unjustified.

- Population and Human Health

Site 12 has the potential to make a significant contribution to the local housing stock through an appropriate vernacular development, as per the designs which were prepared from the outset in support of the allocation of the site; which unfortunately the Neighbourhood Plan Working Group chose specifically not to make public at an early stage, against the wishes of the landowner. It is unclear why in this regard it is considered to make a less valuable contribution than Site 1 in particular which would not deliver a greater amount of development and which is subject of greater physical constraint with its proximity to the sewage treatment works, in an Emissions Consultation Zone and subject of significant potential flood risk.

- Material Assets

The Neighbourhood Plan objective for this topic area is to create safe and accessible places. The indicative proposals for Site 12, which were submitted to the Neighbourhood Plan working group at an early stage, included making improvements to west street and extending public footpath provision to enhance safe pedestrian movement and accessibility for all. There are significant enhancements to be derived through the delivery of development on Site 12 in this regard. The working group have however sought to artificially mark the site down again on the basis that they do not wish to see development to the east of the A350. The working group consider on this particular point that the fact that persons would need to cross the A350 makes the eastern part of the village inaccessible. This is a nonsense. As was detailed at the time of the Bluebridge Independent Consultation Document, survey work was undertaken by TRACSIS Plc to assess traffic flows on the A350 and determine whether it was possible to safely and easily cross the A350. We have enclosed details of this survey work at **AB5** for the Council's reference. The results of the survey accord with the views of Dorset County Council; in that there is no justification for the putting in place of



a dedicated crossing or traffic controls because no problem exists for pedestrians in terms of an ability to cross the road.

Marking Site 12 as having a likely significant adverse impact is thus completely unjustified. It is clear that significant public benefit can be derived from highways improvements resulting from the development of the site, so on the contrary a significant positive impact is likely.

### Summary

The assessment undertaken by the Neighbourhood Plan working group is not objective and does not appropriately demonstrate that the sites have been considered on an even basis and subject to the same assessment criteria. Sites have been marked unfairly in comparison to one another with no evidence to demonstrate why this is the case.

We commented on behalf of our client on this point at the time of the Regulation 14 consultant and no credence has been given to this. This is unreasonable and unjustified. We consider that the site assessment process should be undertaken again in order to perform a proper objective assessment that is actually justified.

In reality, considering the above, Site 12 should have scored in a very similar vein to Site 20 and Site 22 confirming that there are no overriding impacts and significant public benefits to be derived from its allocation for housing development, leading to determination of a likely positive impact overall.

### **Conclusions**

As was the case at Regulation 14 consultation stage, we consider that the Neighbourhood Plan, in its current form, is fundamentally unsound and should not be pursued without significant review and amendment. There are endemic issues arising from the site assessment process which has not been conducted in a transparent manner and fundamental issues with the proposed figure for housing need. Alongside this many of the policies proposed are fundamentally flawed due to an incompatibility with both the policies of the North Dorset Local Plan Part 1 and the National Planning Policy Framework.

Our client does not consider that the Neighbourhood Plan has been positively prepared in a transparent manner without personal or political bias; particularly in respect of assessment of sites for development and creation of policies which seek to preclude development on the eastern side of the village.

Paragraph 182 of the NPPF sets out the approach to the examination of Local Plans, which is transferrable to considerations of a Neighbourhood Plan. The tests of soundness are clear, namely that a plan must be:

- Positively prepared;
- Justified;
- Effective; and,
- Consistent with the Local Development Plan and the Framework.

#### *Positively Prepared*

To be positively prepared, plans must be based on a strategy which seeks to appropriate local and not strategic level needs and be consistent with achieving sustainable development.

It is appropriate for the settlement to take on a proportional share of housing for the District; such growth would not be strategic, but rather proportional to the established scale of the settlement and justified. The current assessed housing need figure is based on figures within an out of date policy at its core and is not an appropriate basis for determining need.

The plan in its current form seeks to deliver housing in a manner which does not seek to derive sustainable development but instead conflicts with policies of the Local Development Plan and National Planning Policy Framework. The allocation of land solely to the west of the settlement will not deliver growth in a sustainable and balanced manner which is in the interests of the village. The reliance of Site 22 upon access across 3<sup>rd</sup> party land to render the site acceptable in terms of its localised impact upon the highway network is not reasonable or rational. The plan formerly sought to allocate two further sites – Sites 1 and 24 also on this side of the village, which were latterly removed due to unaddressed constraints which we had highlighted from the outset and unmitigated harm to highway congestion and safety along West Street. The Neighbourhood Plan has instead dismissed other deliverable sites without such constraint, which have not been assessed in an open and transparent manner by an independent panel. The manner in which the site assessment process has been undertaken is not symptomatic of positive plan preparation.

#### *Justified*

To be justified the plan should be the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence.

The plan does not provide any planning rationale for why development to the east of the A350 should be excluded. The land does not fall within the AONB and thus should not be considered as if it were within the designation. This

undermines the value of land which does fall within the designation and has been designated for such purposes.

The plan continues to promote Sites 22 despite the concession that if this site were to be accessed from West Street there would be significant harm to the continued function of this road; which already has congestion issues. The plan tries to justify the site on the basis that access can be provided across third party land from the A350 when, in actuality, the requirement to do so significantly impacts upon deliverability. In any event, such access will provide a through route and there is still likely to be significant unacceptable impacts upon West Street arising from the increased movements generated.

Sites put forwards should be the most appropriate having had regard for all reasonable alternatives. The plan does not demonstrate that appropriate consideration has been given to other less constrained sites which do not need to rely on third party land to be acceptable.

Site 12 does not have the same constraints. The working group has acknowledged openly at a Parish Council Meeting that the site could be brought forwards for development but that there was a wealth of available sites and thus this has not been selected. The reason primarily being that it is on the eastern side of the A350. It is quite clear that the sites which have been selected do not deliver sufficient development to meet an appropriate assessment of local needs and that Site 22 does not represent the most appropriate strategy when considering that an alternative access reliant on third parties is having to be devised to mitigate any highways impacts upon West Street; contrary to a core policy of the Neighbourhood Plan. There is no evidence to indicate that Site 12 should not be taken as an appropriate and deliverable alternative.

#### *Effective*

In order to be effective as a Neighbourhood Plan it is essential that sites are deliverable within the proposed time period; where there is a reliance upon other land which may affect viability or deliverability there is sufficient doubt that alternative sites should be considered which are not constrained. Allocating land which is reliant on other land in third party ownership to come forwards will not pass the tests of deliverability and thus alternative sites should be considered. Site 22 cannot be delivered without a third-party access as otherwise it would have a harmful impact upon West Street and thus alternatives should be considered.

The Neighbourhood Plan does not show that alternative sites have been considered and that deliverability has formed a primary focus in the sites which have been proposed for allocation.

*Consistent with the Local Development Plan and National Policy*

As has been highlighted, the plan's approach to the location of development and seeking to place a presumption against development on land to the east of the A350 is wholly unreasonable and has no shred of Planning Policy guidance to back it up.

The plan seeks to impose Policies FM4, FM5, FM8, FM9, FM16, FM17 and FM18 which are inconsistent with both the North Dorset Local Plan and the National Planning Policy Framework. The plan is not therefore sound.

Paragraph 184 of the NPPF states clearly that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. Neighbourhood Plans should reflect Local Plan policies and plan positively to support them; they should not plan for less development or undermine strategic policies.

To impose a presumption against development as stated in Policy FM4 runs contrary to the underpinning essence of the National Planning Policy Framework and is fundamentally flawed. The plan should not be allowed to proceed to independent examination in its current format. It is in need of significant revision to be appropriate justified.

**Summary**

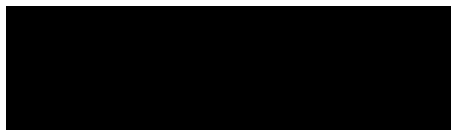
Given the current status of the Development Plan, and the Council's absence of an available and deliverable 5-year supply of housing sites, we consider that it would be appropriate for the Fontmell Magna Neighbourhood Plan to be put on moratorium until the plethora of applications around the District have been determined. There is no certainty at this time of North Dorset's precise housing requirements, having regard for the imminent change in National Policy with the adoption of a new methodology for calculating housing need – which will see needs for the District rise, and also given the issue with the delivery of strategic sites allocated in the North Dorset Local Plan Part 1. The Neighbourhood Plan will not provide any certainty in this regard and has been constructed in a manner which is preclusive of development as opposed to appropriately promoting it in a sustainable manner.

The purpose of Neighbourhood Planning is first and foremost to stimulate the supply of housing through positive engagement at the local level to meet housing needs and provide for a level of development which will allow communities to thrive and flourish. It is not intended as a means to be preclusive and place unreasonable constraint on development.

Imposing a moratorium on the Neighbourhood Plan at this time would allow for resolution of the District Council's housing supply position and enable positive

planning for the village going forwards. The fact that two applications for development in Fontmell Magna are currently in the process of being determined by the Council further evidences that this is an appropriate approach to take; and indeed, has been the decision taken by the Okeford Fitzpaine Neighbourhood Plan, which is being dealt with in a positive and proactive manner.

Yours sincerely



Adam Bennett BA (Hons)  
Town Planning Consultant