

## BOURTON PARISH COUNCIL

Chairman: Major S. Firbank. The Old Linen Mill, Bourton, Dorset, SP8 5DB. Tel: 01747 840 848  
Clerk: Mrs. H. Bedford. Little Chaffey, Bourton, Dorset, SP8 5BZ. Tel: 01747 840 808. Mobile 07566 205 767  
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Steve Carnaby  
Regency Offices,  
37 Gay Street,  
Bath,  
BA1 2NT

June 26<sup>th</sup> 2017

Dear Sir,

### **Re: Response to Examiner's questions on the Bourton Neighbourhood Plan Examination**

Thank you for giving us the opportunity to answer your questions arising from the plan and comments received on it. We have responded to the questions using the same headings and numbering as in your letter.

#### **Background**

It is probably worth saying by way of introduction that we have been working on this Plan since 2012. We obtained assistance from Planning Aid and then our consultant Liz Beth (funded from a grant from Locality and DCLG). We have also been liaising closely with officers from North Dorset District Council (NDDC) during the plan-making process. With the need for an SEA, and changes in Local Plan policy, the process became complex and long drawn out and we sought assistance from AECOM.

There was a proposal to build a village hall on specific donated land in return for some housing development which predated the decision to start work on a Neighbourhood Plan (NP). When we wanted to designate the site under discussion in the NP, we were advised by Planning Aid and NDDC that whilst the location of a village hall outside of the Settlement Boundary was not problematic, the enabling housing development would be. It was for this reason that we were advised that this could be best achieved within a NP and after a full site allocation study of all potential options had taken place. As you are aware, an allocation in a development plan needs to be supported by evidence and the consideration of all options. The result of the site investigations was that two sites were equally, if differently, suited with no clear preference in the village for either. This has caused contention as some residents feel that a previous proposal was undermined even though, in reality, that proposal could not be realised.

#### **Housing**

1. When preparing the NP the most recent NDDC evidence base on housing need was the 2010 report on affordable housing and developer contributions. This quoted (page 4) a survey carried out in 2008 (Fordham Research) showing that, in terms of need, a percentage requirement of 63% of affordable housing on a site would be justified.

The more recent 2015 SHMA for North Dorset speaks of 'a substantial need for affordable housing (para 2.22) and notes that affordability has worsened over the last 15 years and is a significant issue. It is worth noting that in North Dorset this demand is higher than usual for intermediate housing for purchase rather than affordable rented housing. The SHMA also concludes that young families suffer particularly from a lack of affordable housing in North Dorset.

The indication from landowners discussing the proposals for the new Village Hall was that a scheme would only be viable if market housing was provided. We have, therefore, required the housing to be small family housing so that it helps the young family market identified as being in need. We believe the evidence supports our intention to allocate a site for lower cost housing to facilitate the public benefit of land given over to the village for a new Village Hall and associated amenity land.

When work began on the NP, it was proposed that Bourton should be 'washed over' with a Countryside designation in the existing Local Plan, and thus housing allocations would have been contrary to strategic

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policy. This situation changed while the NP was in progress, and Bourton is now considered in the Local Plan to be a village which is able to take some development. Given the new situation, we assessed the number of extant planning permissions for housing development in Bourton, and came to the conclusion that there was no need to make further allocations, based on the following assessment in the NP:

“There are currently planning consents for 50<sup>1</sup> dwellings in the NP area. NDLP also retains the Settlement Boundary from the previous Local Plan. It is considered that current extant permissions and limited infill development should meet any future specific housing needs for Bourton within the life of this NP, and therefore no housing allocations are made in this Plan. It is understood that the housing targets may be adjusted during the current review. (Para 6.1.2)”

This was a position that NDDC did not object to, although, given that their work is still in progress on a Local Plan review, they could not confirm it either. The Parish Council understands that the Local Plan Review may revise the situation, although the latest monitoring report (2016) shows a healthy land supply in North Dorset. Additionally, Bourton is providing about a fifth of the commitments in Stalbridge and the larger villages, as at April 2016 (page 29 SHMA), but it is only one of 18 larger villages scheduled to take some housing development for local needs.

The only housing proposed in the plan is the potential enabling development to support the provision of a site for the new Village Hall and amenity land. An allocation which, in our view, the current under-provision of small family and other low-cost housing for young families fully justifies and which is also fulfilling the NPPF requirement that neighbourhood planning should be positive (Para 182). However, there are a number of further opportunities to develop housing on infill sites within the existing Settlement Boundary, including on the site of the existing Village Hall, once it has been relocated.

In a village comprising only 388 houses, and with limited infrastructure, the potential provision of another 50 houses, plus those on the Village Hall enabling development, is considered by the Parish Council to be proportionate. This was also the view expressed by a significant majority of residents both in the Questionnaires and at public meetings.

2. There is no requirement on a NP to allocate housing and assess housing need. The NPPG ID41-040-20140306 states that:

“Neighbourhood Plans are not obliged to contain policies addressing all types of development.”

The Bourton NP has not attempted to ascertain the level of housing that Bourton should provide. We believe that it has already met a sustainable level, but quite understand that as the Local Plan Review progresses this issue will be addressed and examined by the LPA. There is a suggestion in the response at Reg 16 from NDDC that we should have considered the housing required for Bourton in order for the NP to promote sustainable development (comment on 6.1.2) “To determine whether a neighbourhood plan should allocate land for housing ...” As is clear from the above guidance in the NPPG (Para 040); there is no ‘should’ when it comes to the policies and issues neighbourhood planning may consider. What is required by the NPPG ref ID: 41-072-20140306 is that sufficient and proportionate evidence is needed for any policy in the plan, to demonstrate that the policy promotes sustainable development.

The NPPF is quite clear where the responsibility lies for determining the level of housing that should be included in the development plan. The section on Local Plans in the NPPF (Paras 150 to 157) requires the LPA to set out the strategic priorities and policies to deliver the homes needed in an area. The following section on a Proportionate Evidence Base requires the LPA to have a clear understanding of housing needs in their

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area, and to undertake the required research (Paras 158-9). The same section requires the LPA to consider local standards including for affordable housing (Para 174). A NP may decide to engage with allocating land for housing, and, if it does, it will be required to use the LPA evidence base and further local evidence as is necessary to justify the allocations.

Thus potential sites for housing development, including Old Pound Court, have not been assessed because whether further housing allocations are required is not addressed in the NP. Potential sites including Old Pound Court were considered for a new Village Hall and amenity land with enabling housing development. However as the Site Selection Report notes, Old Pound Court did not have adequate potential amenity land to be considered for the village hall development.

3. This claim is factually incorrect. The Old Mill Site development will provide six affordable homes as part of a S106 Agreement and this development has commenced on site.

4. This, too, is a factually incorrect claim. In both questionnaires a significant majority of respondents (nearly 60%) stated that there is not a need for further housing growth in addition to the Bourton Mill development and other extant planning consents. The exception to this was the majority support for an enabling housing development in association with the new Village Hall site.

5. The statement in para 6.1.2 of the NP is quoted above, it does not state that Bourton has 'met its quota', as it accepted that the allocation of development targets among the larger villages is an on-going process in the Local Plan Review. The Parish Council does feel that, given the relatively high level of commitments in Bourton, compared with other villages, not proposing further housing allocations at this point in time is justified. As stated above, there is no requirement on a NP to assess housing need or to allocate land for housing.

6. Important views are identified in the Village Design Statement (VDS), but protecting views does not preclude all development within the range of a panoramic view. Both potential Village Hall sites are on land where important views have been identified, but this does not rule out development, it just means that the form of that development, and its location, needs to pay respect to the view taken from the public highway and maintain a view. It may be necessary to substitute the wording "Development shall maintain important views" ... for "Development shall not adversely affect important views..." in the text.

### **Policy 5. New Village Hall**

1. The viability of the proposed development is firstly suggested by the fact that potential developers are very interested in working with the Parish Council on the proposal. The land under discussion for transfer to the Parish Council is outside the Settlement Boundary and so does not have significant development value. There is no intention that the enabling housing developer will be required to build the new Village Hall, and the associated allowed housing gives a greater value and potential development profit to a developer in order to compensate for the gift of land. This is discussed in more detail in the paragraph on Housing (above) where it was clear that the offer of land for the new Village Hall and amenity land from the Agent for a landowner was made on an assumption that this was all the community benefit acceptable.

Should landowners and potential developers change their mind on the viability, or should circumstances change, then in the first instance it would be for them to demonstrate the lack of viability from the development of a small number of family -sized homes. Planning and 'material considerations' can deal with viability as an issue. Should the proposal not be forthcoming, then the Parish Council will continue with the existing village hall with all its short-comings.

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2. The Visual Impact Assessment identified that visual impact at the Jubilee Field Site was more significant than that of the Sandways Farm site, but the impact was not felt to be severe enough to rule out any development. Both the Jubilee Field Site and the Sandways Farm Site have important views over them. As explained above, this means that development should maintain the view and protect it, it does not rule out any development. It should be noted that the proposed Jubilee Field Site is barely visible as one enters the village from the West and it does not affect the views or setting of the Grade II Listed St George's Church.

3. The Visual Impact Assessment is a piece of work which involved significant research and we commend it. It was not undertaken by a professional landscape architect, but, given its limited role in the development process we consider it to be a proportionate evidence base for the site selection process. It was undertaken by a professional town planner with an urban design qualification in order that the site selection matrix consideration of visual impact was better informed. There were no definitive development proposals to assess in detail, it was undertaken solely to better assess the visual impact on the landscape of a potential development proposal on three alternative sites. The Village Hall will only be one storey high, so that any visual impact is not likely to be wholly out of scale with the village and its built form. Further work and consideration of visual impact will be needed for any future more detailed development proposal.

4. Any detailed development proposal will need to consider impact on the Grade II Listed Sandways Farmhouse in much greater detail than has been the case in the site selection process. At the site allocation stage, when detailed proposals are not available, the assessment of each site needs to be based on the same theoretical impact measure for each criterion to maintain impartiality and objectivity. The site selection study has used a rough measure to gauge potential impact, and thus assess the relative potential impact of development on the three sites with regard to heritage assets.

5. We feel that the site selection process as further informed by the Landscape Visual Impact Assessment is a robust and well considered piece of work, which is more than satisfactory for the evidential requirements of a Neighbourhood Plan. The NPPG states that evidence for a neighbourhood plan needs to be proportional to the local and non-strategic role of such a plan, and we consider our evidence base sound and fit for purpose.

6. The changes to the text of Policy 5b), requested by NDDC, have already been made. Criteria c) in Policy 5 needs to specify that the transfer of ownership is effected before or at the grant of planning permission, as this is the basis for the housing to be allowed outside the Settlement Boundary. In our view, the suggested alteration from NDDC does not address this issue. We feel that there is no reason, in terms of the Basic Conditions, that the text of Policy 5c) needs to change. The wording of criteria 5f) is acknowledging that the preferences of residents are a valid planning consideration in terms of proposals for their Village Hall and related development. Thus we would accept the substitution of 'wishes' for 'preferences' but do not accept that it is necessary to remove any reference to resident preferences. Neighbourhood planning makes it clear that residents' preferences are a planning consideration, although of course not the only one. It is residents' preferences that the Parish Council properly reflects, as well as other planning issues they raise.

### **Policy 10: Green Fingers**

1. This question is partly answered in 2. Suffice to say that we consider the Green Fingers policy to be designating a feature that is a unique and distinguishing aspect of Bourton. They are a result of its historic formation from several settlements, and set a historic context for the village and its distinctive urban form. As the policy relates to specifically Bourton features, we do not accept that it is strategic.

2. NDDC has clarified what they meant to say in their response as follows (email to us June 7<sup>th</sup> 2017):

"NDDC's response to the consultation on the Plan did not mean to say that the Green Fingers are not protected by Policy 20 Countryside of the Local Plan Part 1 (LP1) – they clearly are. NDDC's response

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intended to say that Policy 20 Countryside of LP1 would not cover the areas identified as Green Fingers to the extent and in the way that the Bourton Neighbourhood Plan suggests it should, therefore the Bourton Neighbourhood Plan should set out its criteria for protection.”

We assume that the comment from NDDC relates to Policy 1 of the NP, as that policy does state that the designated Green Fingers are protected by Policy 20 of the Local Plan Part 1. We accept that it would be useful to include a reference to the NP Policy 10 here as well. We feel that our Policy 10 has set out the criteria for protection; we assume the Justification rather than the Policy we, and, as we read it, the Justification just states the fact that these Green Fingers are designated as countryside – with the implication that Policy 20 of the Local Plan Part 1 applies not actually stated.

We accept that this policy extends the protection of the Countryside Policy on designated Green Fingers, and have given the reasons for this. One of the unique attributes of Bourton is that it was originally several hamlets, and the Green Fingers are a historic legacy from those times which are an intrinsic part of Bourton’s character. We feel that our policy has set out the criteria for protection; namely that the green spaces designated as Green Fingers, and the views of open countryside taken over them, are to be protected.

### **Policy 3: Building Design and Form**

1. We are puzzled by NDDC’s assertions with regard to criteria e) in Policy 3. Preventing light pollution is a regular requirement in design policies, especially in an area like rural North Dorset where skies are still dark. Requiring aerials and satellite dishes to be placed out of site or as unobtrusively as possible is just good practice, and was included in our VDS which NDDC adopted. The criteria will only be applied to planning applications that include security lighting or satellite dishes, and we accept that much of this development will be permitted development. However, there is a role for a Neighbourhood Plan to highlight issues for residents in a more general sense, and the policy criteria also does this.

### **PROCEDURE**

2. The Parish Council decided to elect the chairman of the NPG team following the completion of similar work that was carried out by him and others on the 2011 adopted Village Design Statement. Additionally he had worked in development and planning as a Chartered Surveyor in his former career. The PC asked him to form a team to complete a NP for Bourton and the NPG Constitution was approved at a PC meeting on 28th May 2012 and his selected team was endorsed by the PC at its meeting of 23rd July 2012. The criteria used for selecting the team were; an ability to work well together in a team situation, to not have pre-conceived views on important planning matters affecting the village and an ability to look at issues in the village as a whole and not just single issues of importance to an individual and some experience in preparing reports. The CV’s of the NPG were made available to residents at public meetings.

Following the initial forming of the group, and when it became clear from NDDC that the most prudent way to take forward the new Village Hall project was through the NP process, a trustee of the Village Hall Management Committee was co-opted onto the group. Over the course of the NP process, there have been a number of members who have contributed to the process. There were also a number of volunteers who have greatly assisted the group. Some people who were asked to contribute decided at a very early stage that they did not wish to participate, including one member of the public who has written critically about the forming of the NPG.

It was repeatedly made clear to members of the public that they should feel able to ask any member of the NPG at any time if there was a matter which caused them concern and many individuals made such approaches. As shown in the Consultation Statement there was much interaction with residents at public meetings and drop-in sessions throughout the process. All issues raised were discussed by the group and, except where confidentiality was a consideration; responses to the issues were minuted and published. All

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agendas and minutes were published on the website and a report was given to the PC at every meeting. The PC minutes were also available on the website.

3. The regular meetings of the NPG were not open to the public in much the same way as the regular meetings of the Village Hall Management Committee are not open to the public. But the amount of information provided as detailed above made the process as transparent and open as possible within the bounds of getting business done in a small village situation.

Despite such openness, some people and groups in the village saw fit to launch highly personal and defamatory accusations at members of the group in such a way as to cause a number of volunteers to quit the group.

All correspondence and comments received from residents on all issues throughout the process were discussed by the NPG, were responded to where appropriate, and have been retained.

4. The above information and the comprehensive Consultation Statement provided shows that there was a transparent, rigorous and objective review of 14 potential new Village Hall sites. The Village Hall Management Committee has formally welcomed the nomination of the two sites and, in the Pc's opinion, there is no justification for a fresh one to be carried out.

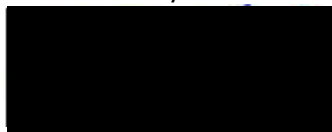
### Further comments

We note that NDDC feel that the Neighbourhood Plan has not evidenced its approach to housing or undertaken a housing needs assessment. The examiner will be aware that there is no compulsion on a Neighbourhood Plan to allocate land for housing, and we do not, therefore, accept that this should have been undertaken as part of the work on the NP. The SHMA evidence from NDDC has demonstrated demand for affordable and low cost housing in the district that is not being met, and this evidence base is quite adequate for the purposes of the NP.

<sup>1</sup> The figure for outstanding planning permissions is, as ever, a moving target. The last annual monitoring Report from North Dorset gives the figure at April 2016 as 48. It is understood that there have been a further six permissions granted since then.

Footnote: Whilst it is understood that the claim made regarding the pecuniary interest of the Chairman of the NPG in the selection of a new Village Hall site is not a matter for you to consider, the PC wishes to make clear that it took legal advice from the Solicitor to the Association of Parish Councils on this matter and the advice received was that there was not a pecuniary interest and that therefore there was no need to declare an interest. Despite this advice, the individual did declare an interest as being a neighbour of a potential new Village Hall site at each NPG and PC meeting during the process. It is also a matter of record that the individual supported the location of the new hall on whichever site was selected at various PC meetings.

Yours sincerely



Helen Bedford  
Parish Clerk

CC: L Beth, N Laszlo, M Withers, S Firbank