



Planning Policy Team,
North Dorset District Council Offices,
Nordon, Salisbury Road,
Blandford Forum,
DT11 7LL.

By email to : planningpolicy@north-dorset.gov.uk

RE : Bourton Neighbourhood Plan Reg 16 Consultation

Introduction

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission draft version of the Bourton Neighbourhood Plan (BNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Gladman requests to be added to the Council's consultation database and to be kept informed on the progress of the emerging neighbourhood plan. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the BNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.



At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan. In particular, the changes to the PPG stress the importance of considering housing reserve sites, and providing indicative delivery timetables to ensure that emerging evidence of housing needs is addressed to help minimise any potential conflicts that can arise and are not overridden by a new Local Plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is regarding this, Gladman has reservations regarding the BNP's ability to meet basic condition (a); this will be discussed in greater detail throughout this response.

Relationship to Local Plan

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan. The adopted development plan the BNP needs to be in conformity with is the North Dorset Local Plan Part 1 and the saved policies in the Local Plan 2003. The Local Plan Part 1 was adopted with a commitment to an early review, the very early stages of this review are now under way and it is therefore important that the BNP is as flexible as possible to ensure any conflicts with the Local Plan Review are kept to a minimum.

Section 38(5) of the Planning and Compulsory Act 2004 states:

'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).'

Further, PPG states that conflicts should be kept to a minimum to ensure that the hard work that has gone in to the preparation of the BNP is not overridden upon adopted of the updated Local Plan following review.

Bourton Neighbourhood Plan

Gladman raises concerns with several of the policies currently detailed in the plan and submits that in its current form the BNP does not meet the basic conditions of neighbourhood plans. A number of the policies are deemed to be worded in a restrictive manner, rather than reflecting paragraph 184 of the Framework which states:

'Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan... Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them.'

As a further general note, Gladman would like to draw attention to PPG which states that *'Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention or rationale of the policies in the draft plan...'* Gladman is concerned that several policies are reliant upon the Village Design Statement, adopted in 2011, as justification for the BNP's policy approaches. It is not considered to be sufficient, proportionate and robust evidence and more evidence base work is needed to complement the VDS as forming a robust proportionate evidence base for the BNP.

Policy 1: Landscape Setting

Aspect (a) of this policy is deemed restrictive in only allowing development within the existing settlement boundary or on allocated sites. The plan does not allocate sites other than a small amount of housing to allow for the development of a new village hall. This policy is overly restrictive and not in accordance with the Framework. As currently written the policy would not allow for any development to come forward beyond the settlement boundary at all, conflicting with the Framework's approach of supporting a prosperous rural economy, which would allow for development to support rural businesses. This policy also conflicts with paragraph 55 of the Framework which seeks to promote sustainable development in rural areas to enhance or maintain the vitality of rural communities setting out the circumstances upon which development in the countryside would be appropriate.

Further, Gladman oppose the use of settlement boundaries if these would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead without delay. The use of settlement limits to arbitrarily restrict sustainable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework.

The issue was dealt with in the Adlingbourne Neighbourhood Plan Examiner's report¹ where text was added to the policy to reference which circumstances development beyond the settlement boundary would be permitted, to bring the policy into accordance with National Policy. Gladman submit the following policy wording for the Council's consideration:

'When considering development proposals, the Bourton Neighbourhood Plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Applications that accord with the policies of the Development Plan and the Bourton Neighbourhood Plan will be supported particularly where:

- *Providing new homes including market and affordable housing; or*
- *Opportunities for new business facilities through new or expanded premises; or*
- *Infrastructure to ensure the continued vitality and viability of the neighbourhood area.*

Development adjacent to the existing settlement will be permitted provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.'

Gladman suggests that the evidence to support aspect (b) of this policy is not sufficient. Nearly all views within the Parish are deemed to be important and protected by this policy. This is effectively a blanket protection from development within the Parish, relying upon photographs from the VDS with no justification or explanation. It is contended that further work is necessary to support this policy and demonstrate why these views are important to the local community and need for them to be protected. Gladman suggest a Landscape Character Assessment would be appropriate and until this has been undertaken this policy does not comply with basic conditions (a) and (d) and should be deleted.

Further, Gladman contends development can often be located in areas without eroding the loss of openness, landscape character or views considered to be important to the local community. In such circumstances development proposals, can be appropriately designed to take into consideration the wider landscape features of the surrounding area. The policy provides no clarity on how the Council will interpret this policy in a consistent manner through the development management process. Opinions on landscape are highly subjective, therefore without further clarity about how these views are considered special to the local community, this policy is likely to lead to inconsistencies in the decision-making process.

As a final point, aspect (c) of this policy is covered further in the plan with its own policy and therefore should be deleted.

Policy 5: New Village Hall

Gladman recognises the aspirations of the neighbourhood community to develop a new village hall however question the level of housing in the proposed development areas for enabling housing and whether a viability assessment has been undertaken to deem whether the level of housing will be sufficient to provide a willing landowner a competitive return. Paragraph 173 of the Framework states:

'Plans should be deliverable. Therefore, the sites and the scale of development in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure

¹ <http://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n7951.pdf&ver=7703>

viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Therefore, it is considered that the development of a new village hall and the significant amount of amenity space as proposed may not be done so viably and sustainably and therefore will not be delivered. This policy is contrary to basic conditions (a) and (d)

Policy 10: Green Fingers

This policy seeks to preserve the 'Green Fingers' from development. It is noted that several of these areas are extensive areas between the settlement boundaries constituting what is more accurately described as a strategic gap. This is effectively a strategic policy beyond the remit of neighbourhood plans and as these have not been identified as areas needing protection in the Local Plan these should be deleted.

Further, it is also considered an overly restrictive policy that does not accord with the positive approach of the Framework. The policy lacks clarity about how a decision maker should apply it. The policy reads as an aspiration rather than defining the circumstances upon which development would be acceptable or refused.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman have sought to clarify the relation of the BNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman are concerned that the plan in its current form does not fully comply with basic condition (a) as the plan is considered not to follow national policy and guidance as the plan contains several policies without the necessary proportionate, robust evidence to do so. It is also not clear how some of the policies included within the plan could be applied predictably and with confidence by a decision maker.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours Faithfully,

Richard Agnew
Gladman Developments Ltd

████████████████████