



STINSFORD NEIGHBOURHOOD PLAN

Regulation 16 Consultation **Wednesday 13 October 2021 until Wednesday 24 November 2021**

Response Form

The proposed Stinsford Neighbourhood Plan has been submitted to Dorset Council for examination. The neighbourhood plan and supporting documentation can be viewed on Dorset Council's website: <https://www.dorsetcouncil.gov.uk/stinsford-neighbourhood-plan>

Please return completed forms to:

Email: NeighbourhoodPlanning@dorsetcouncil.gov.uk

Post: Spatial Planning, Dorset Council, County Hall, Colliton Park,
Dorchester, DT1 1XJ

Deadline: **End of Wednesday 24 November 2021.** Representations received after this date will not be accepted.

Part A – Personal Details

This part of the form must be completed by all people making representations as **anonymous comments cannot be accepted**. By submitting this response form you consent to your information being disclosed to third parties for this purpose, personal details will not be visible on our website, although they will be shown on paper copies that will be sent to the independent examiner and available for inspection. Your information will be retained by the Council in line with its retention schedule and privacy policy (www.dorsetcouncil.gov.uk/privacypolicy). Your data will be destroyed when the plan becomes redundant.

	Personal Details *	Agent's Details *
Title		Mr
First Name		Chris

Last Name		Pattison
Job Title(if relevant)		Director
Organisation (if relevant)	North Dorchester Consortium	Turnberry
Address	c/o agent	41-43 Maddox Street, London
Postcode		W1S 2PD
Tel. No.		██████████
Email Address		████████████████████

**If an agent is appointed, please complete only the Title, Name and Organisation boxes to the personal details but complete the full contact details of the agent. All correspondence will be sent to the agent.*

Part B – Representation

1. To which document does the comment relate? *Please tick one box only.*

	Submission Plan x
	Consultation Statement
	Basic Conditions Statement
	Other – please specify:-

2. To which part of the document does the comment relate? *Please identify the text that you are commenting on, where appropriate.*

	<i>Location of Text</i>
Whole document	x
Section	
Policy	

Page	
Appendix	

3. Do you wish to? *Please tick one box only.*

<input type="checkbox"/>	Support
<input type="checkbox"/>	Object x
<input type="checkbox"/>	Make an observation

4. Please use the box below to give reasons for your support or objection, or to make your observation.

Refer to enclosed letter

Continue on a separate sheet if necessary

5. Please give details of any suggested modifications in the box below.

Refer to enclosed letter

Continue on a separate sheet if necessary

6. Do you wish to be notified of Dorset Council's decision to make or refuse to make the neighbourhood plan? Please tick one box only.

	Yes x
	No

Signature: Chris Pattison

Date: 24th November 2021

If submitting the form electronically, no signature is required.



Spatial Planning
County Hall
Colliton Park
Dorchester
Dorset
DT1 1XJ

Our ref: 24.11.21 GP-ND

Your ref:

24th November 2021

Dear Sir/Madam,

Stinsford Neighbourhood Plan: Submission Version

This representation concerning the Submission Version of the Stinsford Neighbourhood Plan is made by the North Dorchester Consortium and its landowners, as interested parties.

Consultation

It is disappointing to note that the majority of our comments submitted in response to the earlier version of the Plan have not been addressed and are not included in the submitted Consultation Statement. We therefore re-attach our letter dated 27th April 2021, pointing out that all the points made are still valid.

We would also highlight that the first time the North Dorchester Consortium was approached directly, was on the 8th March 2021 when we were sent an email as 'owners and managers of businesses or land in Stinsford Parish'. Our earlier requests to meet the Neighbourhood Plan Group had been declined, which included a suggested workshop to examine pedestrian and cycling connections between North Dorchester and Stinsford. In response to the current consultation, we asked for a specific meeting with representatives of the Neighbourhood Plan group. This was two and a half years after the Initial Consultation phase of the plan-making process. No further meetings took place and our request to present to a wider group was declined.

We do not consider that the Neighbourhood Plan Group have allowed for sufficient consultation with the North Dorchester Consortium as a key group within the development industry operating in the Parish and nor have our comments been addressed. We would highlight paragraph 48 of the guidance relating to Neighbourhood Plans which states the following:

‘Should other public bodies, landowners and the development industry be involved in preparing a draft neighbourhood plan or Order?’

A qualifying body must consult any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or Order proposal. The consultation bodies are set out in [Schedule 1 to the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#). Other public bodies, landowners and the development industry should, as necessary and appropriate be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.’

The omission is surprising given the significant impact that the Local Plan’s proposals for North Dorchester will have on the Parish, but in particular, the Neighbourhood Plan, and what this means for sustainable development within the Parish. The Local Plan is forecast for adoption in Winter 2023, which means it will be in an advanced state by May 2022 and submitted for examination in the Autumn of next year. We would have anticipated more coordination and dialogue on this critical issue and fuller analysis within the Consultation Report.

Landscape/Character

Amplifying our original objection further, we would make the following key point in respect of landscape character: the Neighbourhood Plan is seeking to create a landscape designation which is clearly a Strategic Policy and therefore not within the remit of the Neighbourhood Plan to do so.

The Neighbourhood Plan appears to reference much earlier landscape studies as well as the existing Local Plan designation of Landscape of Local Importance before stating the following at paragraph 3.16 (our emphasis):

‘All of the river valley pasture has a particularly rural, agricultural feel, and this characteristic is central to the setting of the string of settlements along its length, as well as the wider setting of Dorchester. Whilst no decision has yet been made on the possible northern extension to Dorchester, there would be a clear tension between trying to locate development close to the town, whilst respecting this river valley landscape setting.’

Taken with the identification of Important Green Gaps (Table 3) and then the implication of Policy SNP3 in designating the River Valley Landscape defined on Figure 2 as a ‘landscape buffer’, amounts to a strategic landscape designation if not an extension to the existing strategic designation of a Landscape of Local Importance. The NPPF is clear that Strategic policies are not within the remit of Neighbourhood Plans and the supporting guidance on the Natural Environment at paragraph 36 clearly confirms the strategic scope of such policies when discussing Landscape:

'How can planning policies conserve and enhance landscapes?

The National Planning Policy Framework is clear that plans should recognise the intrinsic character and beauty of the countryside, and that strategic policies should provide for the conservation and enhancement of landscapes. This can include nationally and locally-designated landscapes but also the wider countryside.'

Therefore, Figure 2, Table 3 and Policy SNP 3, plus the supporting text, are not in general conformity with the Local Plan and its landscape designations, and effectively amount to a new strategic landscape designation.

Irrespective of this point, the Neighbourhood Plan has not brought forward any new evidence to support its extended landscape designation beyond a number of viewing points put forward by local residents. The remainder of paragraph 36 states the following:

'Where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence.'

We would also argue that if the proposed Neighbourhood Plan is to bring forward new landscape designations (assuming they overcome the strategic policy barrier of course), then despite the substantial implications of such a proposal, no new evidence has been advanced: it would be disproportionate for Figure 2, Table 3 and Policy SNP 3 to stand on the basis of no recognised evidential approach which has been tested through statutory consultation. These elements rest on evidence which led to the designation of the existing Landscape of Local Importance and no more. We therefore consider that these elements within the draft Neighbourhood Plan and the supporting text, fail the Basic Conditions.

As the text at paragraph 3.16 confirms, the combination of Figure 2, Table 3, Policy SNP 3 and the supporting text is to pre-empt strategic discussions around the emerging Plan. It is not in the interests of the Parish to bring a Plan in to being which is then over-written by the new Local Plan, as our original submissions made clear.

Policy SNP7

We do accept that the Plan made one change in response to our submissions: Policy SNP7 has now been amended. Regrettably we would point out that SNP7 remains out-of-step with national policy, duplicating some of its provisions whilst misrepresenting and under-reporting the tests within the National Planning Policy Framework. We would recommend this policy is deleted as it does not add anything to the overall Plan and fails to comply with NPPF and by extension, the Basic Conditions.

We trust this submission is helpful to the Examiner.

Yours sincerely

Chris Pattison
Turnberry

Encl. North Dorchester Consortium Letter to Stinsford Parish dated 27th April 2021

c/o Stinsford Parish Clerk
57 Louise Road
Dorchester
DT1 2LU

Turnberry

Our ref: 27.04.21 GP-ND

Your ref:

27th April 2021

Dear Sir/Madam,

Stinsford Neighbourhood Plan (Regulation 14 – Pre-submission): Consultation with Owners and Managers of Businesses and Land in Stinsford Parish

The North Dorchester Consortium is pleased to comment on Version 2 of the draft Neighbourhood Plan, though we are disappointed we have not been consulted upon sooner in the process, specifically the shaping of Version 1. There is much in the Plan we could potentially support, subject to amendment, and that is why we have informally submitted some comments to try and find common ground. However, we understand the Neighbourhood Plan Steering Group wish to reserve their position until after the consultation closes. On this basis we must regrettably submit an **objection** to the draft Neighbourhood Plan, but we look forward to the opportunity to collaborate with you after the deadline for responses.

Before discussing our specific objections, we would like to highlight that for the Plan to meet the basic conditions, the following paragraph and specific sub-paragraph of the Neighbourhood Planning Guidance is key:

What are the basic conditions that a draft neighbourhood plan or Order must meet if it is to proceed to referendum?

Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*

Paragraph: 065 Reference ID: 41-065-20140306

Our objections therefore specifically address where we consider the Plan potentially departs from national policies and advice.

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In this spirit, we therefore refer to paragraph 9 of the same guidance, which is reproduced in part here:

Can a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy is in place?

Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its local plan (or, where applicable, a spatial development strategy is being prepared by an elected Mayor or combined authority).

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- *the emerging neighbourhood plan*
- *the emerging local plan (or spatial development strategy)*
- *the adopted development plan*
- *with appropriate regard to national policy and guidance.*

The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

Paragraph: 009 Reference ID: 41-009-20190509

Revision date: 09 05 2019 See previous version

We would also highlight paragraph 44 of the guidance:

Should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

Paragraph: 044 Reference ID: 41-044-20190509

It is our concern that much of the Neighbourhood Plan has been drafted without regard for the Council's emerging Policies and supporting evidence and resonating behind such policies, specifically the identification of North Dorchester as a strategic allocation in its emerging Plan. North Dorchester was identified as a Preferred Option by the former West Dorset District Council in its last plan before reorganisation. North Dorchester as an Option has been confirmed once again by the new Dorset Council in its recent draft Local Plan.

The Neighbourhood Plan states that North Dorchester, 'is a strategic decision which cannot be decided through a Neighbourhood Plan' (page 1 and also para 5.16). However, the Neighbourhood Plan contains policies which explicitly relate to the site of North Dorchester and will fundamentally conflict with a subsequent strategic allocation. This includes preserving existing features of rural character, the setting of existing settlements and in identification of views – see Policies SNP2, 3 and 5. These policies will not survive in full or part, any subsequent adoption of the emerging Local Plan and the potential allocation of a major new neighbourhood north of Dorchester.

For instance, Policy SNP2 does not explain how the accommodation of 3,500 homes will respect the rural character and setting of the Dorchester will be altered by North Dorchester (SMP3).

In respect of Policy SNP5, there is some qualification at paragraph 3.25:

Whilst it would not be possible or indeed appropriate to stop any development within these views (particular in the long term if the northern extension of Dorchester is given the go-ahead, which would be apparent from a number of the viewpoints suggested). Nor is it possible to identify every viewpoint that residents enjoy. However it is important that the impact of development on these views is properly balanced in the planning decision, with moderate to significant weight given to their protection

However, this text is contradicted by the fact that the views are to be 'protected' which does suggest, development is to be 'stopped' within these views. The actual Policy then omits any qualifications suggested in the supporting text, instead seeking the 'minimisation' of all impacts on local views unless there is, 'a clear and over-riding public benefit'. This is a high test that is not supported by the evidence base. The test exceeds that set out in the NPPF where it addresses more significant, designated landscapes. Indeed, SNP5 is contrary to national Policy as expressed in paragraphs 171 and 172 of the NPPF because it fails to distinguish or recognise a hierarchy of landscapes and goes beyond tests which would apply in a National Park or Area of Outstanding Natural Beauty.

We would also highlight the lack of clarity within Policy SNP5. It proposes sweeping protections for any views from any public footpath whilst introducing Important Local Views listed in Table 4, but without referencing an additional hierarchy of views in the form of those 'noted by residents'. This Policy lacks clarity and is not supported by any clear evidence.

The draft Neighbourhood Plan is therefore contrary to the guidance set out and fails the basic conditions.

We also object to Policy SNP7 on the basis that this departs from national policy relating to heritage assets. The Policy should reference the need to understand the significance of these assets and allow the balancing of harms and benefits as per the tests set out in national Policy. Respecting heritage assets is not a clear policy objective in of itself and more regard must be had to national policy where wording concerning the protection of assets is being introduced. The Policy would be far more effective if it focussed on the promotion and interpretation of local heritage assets.

Our concerns highlighted above also apply to the Sustainability Appraisal SA, which has not assessed reasonable alternatives and is misleading in respect of the relationship of the Neighbourhood Plan to the emerging Dorset Local Plan.

The Neighbourhood Plan would be fundamentally altered by the adoption of a Dorset-wide Local Plan that did allocate North Dorchester. The lack of an approved Plan does not absolve the SA from considering this scenario. The objective of an SA is to identify to what extent the proposed policies or strategies in the Neighbourhood Plan will achieve sustainable development against reasonable alternatives. The SA only appraises once scenario: that North Dorchester might not proceed. This is not realistic given the evolution of emerging planning policy since the Examination of the Adopted West Dorset Local Plan. Indeed, we object to some of the statements made in the document such as response 1 b) in Figure 4.3:

Criteria: The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.

Response: The Stinsford Neighbourhood Plan will be adopted alongside its parent document, the Local Plan. It will expand upon the existing policies in the Local Plan and provide supplementary information on a local scale rather than influencing the strategic content of the Local Plan.

Is there a significant effect? No

As our evidence above has confirmed, this cannot be the case. Moreover, if the Neighbourhood Plan was adopted alongside the Dorset Local Plan then there would be a clash between the requirement for a new neighbourhood north of Dorchester with local policies which could not effectively operate within that scenario. The Sustainability Appraisal is therefore flawed and deficient and on this basis, the Neighbourhood Plan will fail the basic conditions.

We support the work of Stinsford Neighbourhood Plan Steering Group in preparing a Neighbourhood Plan for Stinsford. However, we ask that they collaborate with the Local Authority to ensure that its Policies can align with the emerging Local Plan so that the Plan may remain relevant beyond adoption of the Dorset Plan. We would also ask that the Neighbourhood Plan uses more up-to-date evidence to support its work and we would highlight the evidence we have submitted to Dorset Council in support of its recent draft Local Plan consultation, as previously submitted to the Neighbourhood Plan Steering Group. The technical evidence presented in Appendix II should be cross-referred to in future iterations of the Neighbourhood Plan and Sustainability Statement. We strongly urge the Steering Group to engage with the Consortium so we can collaborate to ensure their Neighbourhood Plan is effective and meets the basic conditions.

Stinsford Parish Council
Stinsford Neighbourhood Plan (Regulation 14 – Pre-submission)
27th April 2021

In the meantime, we reluctantly object on the basis of seeking a better outcome for the Neighbourhood Plan at Examination. The North Dorchester Consortium has provided informal comments to assist this process and we would be happy to progress discussions before the draft Neighbourhood Plan proceeds

Kind regards,

Chris Pattison
Turnberry